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THE CONTROL AND ELIMINATION OF  
SPECIAL EXCEPTIONS IN ZONING

A THESIS

Presented to  
The Faculty of the Graduate Division  
by  
David Allen Singletary

In Partial Fulfillment  
of the Requirements for the Degree  
Master of City Planning

Georgia Institute of Technology

May, 1960

28  
128

THE CONTROL AND ELIMINATION OF  
SPECIAL EXCEPTIONS IN ZONING

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## ACKNOWLEDGMENTS

The writer would like to express his appreciation to all the people who contributed information for the preparation of this thesis, especially to Professor Howard K. Menhinick, Professor Malcolm G. Little, Jr., and Professor William H. Agnor whose encouragement, suggestions, and guidance made the completion of this thesis possible.

Appreciation is also extended to Mrs. Linda Harris, Mrs. Mary Margaret Brooks, and Mrs. Faye Watkins, whose untiring efforts in typing were of immeasurable help in the writing of this thesis.

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## FOREWORD

Every community has problem uses. These are the uses that are most difficult for the community to locate, regulate, or control through normal zoning requirements. They may pose traffic problems, or create objectionable conditions for nearby residents, or both. Problem uses are regulated by the zoning ordinance in two principal ways.

1. They may be permitted as "special exceptions" in certain districts only upon approval by the board of appeals, after a public hearing. In some cases special site, setback, area, or other specified requirements may be imposed by the board of appeals.

2. They may be permitted in certain districts, or in special districts, provided they meet special site, setback, area, or other requirements as a matter of right without the necessity of approval by the board of appeals.

It is toward the second method of dealing with problem uses that this study is directed. Its objective is to focus attention on certain zoning control provisions which can be used to reduce, and in some cases eliminate, the need for special exceptions required under the first method. Special exceptions, in themselves, have serious disadvantages.

The hypothesis taken here is that nearly all uses,

including those posing the most difficult problems for the community, can be regulated by the second method in such a way as to adequately protect the public interest.

## SUMMARY

"Special exceptions" are uses listed in the zoning ordinance as permitted in specified zoning districts subject to approval by the board of appeals after a public hearing. The original intent of such allocation of power to the board of appeals was to protect the public interest by adding to the controls of the zoning ordinance the judgment of mature and responsible men. As zoning has become more complex the board of appeals has found itself increasingly unable to properly judge special exceptions. Although some zoning ordinances are expertly and impartially administered, others have encountered many law suits contesting the constitutionality of decisions made by the board of appeals. The charge has been made that decisions of the board of appeals are often irresponsible and capriciously made; and that they represent "rule by men" rather than "rule by law". As a result, many members of boards of appeals, planning officials, and professional planners favor objective standards for the control of problem uses formerly allowed as special exceptions.

This study is a survey of the current treatment of a selected group of seventeen problem uses which are treated as special exceptions in some zoning ordinances and regulated objectively in others. Its purpose is to illustrate how such uses can be controlled so as to protect the public interest without resort to special

exceptions. To do this, the provisions of a large number of zoning ordinances were reviewed along with a wide range of research information reports, papers, pamphlets and other documents dealing with the control of the problem uses involved. Results of the survey were then evaluated and used as a basis for recommendations for the formulation of sample controls applicable to each of the problem uses. These sample control provisions are not recommended for every zoning ordinance, but may be used as a starting point for appropriate further research and for formulating controls applicable to specific zoning ordinances.

## CHAPTER I

### THE PROBLEM OF SPECIAL EXCEPTIONS

"Special exceptions" are uses listed in the zoning ordinance in specified zoning districts subject to approval by the zoning board of appeals, after a public hearing. A special exception is created when a zoning ordinance specifies that trailer courts, for example, may be located in residential districts only upon approval by the board of appeals after a public hearing.

#### Disadvantages of Special Exceptions

The responsibilities placed on men comprising the board of appeals for the granting of special exceptions are often far beyond their capabilities. The typical board of appeals is likely to be composed of well-meaning business men, inexperienced in planning, but willing to devote some of their spare time to civic affairs. Only rarely does a member of the board possess the extensive background in planning necessary to properly judge the merits of an application for a special exception. While he may in time acquire such experience or ability, it is more likely that he will be replaced as a member of the board after one or two terms, if for no other reason than that the work of the board of appeals is occupying time that is needed to pursue his own business or profession.

Special exceptions are particularly vulnerable to charge that they represent "rule by men" rather than "rule by law". Some zoning ordinances, for example, assign such far-reaching powers to the board of appeals that it is, in effect, the board rather than the zoning ordinance which governs the use of land. On the other hand, zoning ordinances which adhere to the "rule of law" incorporate all requirements directly into the text of the zoning ordinance and leave little or no powers in the hands of the board of appeals. An executive of one of the major oil companies illustrated well one of the disadvantages of "rule by men" when he said, "We dislike to attempt to locate our service stations in \_\_\_\_\_ city because we never know where we can put them or where our competitors will be. Everything there is left strictly up to the board of appeals."

An engineer from the same company said:

I am sure we could comply with all requirements of the zoning ordinance if we knew exactly where we could put our service stations and where we could not, and exactly what site and design requirements are expected of us. It is extremely discouraging for us to work up a good site plan and have it rejected at a public hearing--then later find out that one of our competitors has secured a permit to build a station there. These hearings also create bad publicity for the oil company, making it appear that we are trying to take advantage of the people.<sup>1</sup>\*

A resident of an area undergoing rapid transition

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\*See end of each chapter for footnotes within that division.

where numerous requests for exceptions were being made had this to say at a public hearing:

This makes the fifth time I have had to come down here and tell you gentlemen that I don't want any funeral homes across the street from me. My neighbors feel the same as I do when I say that we are tired of coming down to these meetings every month to defend the residential character of our neighborhood. I would like to know why it is that we have to do this when we are supposed to have a zoning ordinance protecting our property.<sup>2</sup>

Another illuminating comment came from a member of a local board of appeals:

If you want to know the truth I think you planners are just lazy. It's so easy to leave something to the decision of the board of appeals rather than tackle the problem head on and solve it like you are supposed to do. Here we have been trying for an hour to decide whether or not to approve this application for a trailer court and you with all that research stuff in your files are not helping us much. It seems to me that with a little effort on your part you could draw up some standards for the location and control of these trailers and we could put them in the zoning ordinance or get a separate trailer court ordinance passed if we have to. Then we would have the problem licked, whereas now we are only fumbling around with it.<sup>3</sup>

Another member of the zoning board of appeals in a large growing city put it this way:

It used to be that we could sit down and have plenty of time to think through these applications, but now the city has gotten too big. Every time we meet we are faced with twenty or thirty applications for exceptions. We just don't have enough time to spend on them and consequently we are making some very bad decisions. We've got to do something to stop this.<sup>4</sup>



Extensive debate is now in progress among planners and planning officials as to whether or not special exceptions are necessary in the modern zoning ordinance. Only history will write the final verdict, of course; but from the unsatisfactory situations today, planners can discern some important things which need to be done.

First, increasing attention must be paid to "problem uses"--those which are the most difficult to locate or control through normal zoning requirements. They may pose unusual traffic problems; generate noise, dust, smoke or glare; reduce surrounding property values; or for other reasons raise violent objections from nearby residents. These problem uses can not be passed off lightly by merely requiring in the zoning ordinance that their location be approved by the board of appeals. Much more detailed restrictions based on approved standards are needed to protect the public interest. The formulation and application of these standards is primarily a problem for the professional planner--rather than the part-time civic official.

Second, regardless of whether standards are incorporated into the zoning ordinance in lieu of or as a condition precedent to the issuance of special exceptions, a vast amount of research is needed on the control and location of all types of problem uses so that these standards can be formulated. Only adequate research can give the planner

the control tools necessary to get the job done. At the present time we have vast quantities of information about problem uses but surprisingly little research has been directed toward formulation of specific zoning controls to effectively regulate problem uses.

#### Purpose of this Study

The purpose of this study is twofold: First, to determine the extent of the problem facing cities in the regulation of problem uses and to outline a system of research by which more specific zoning controls can be formulated; and second, to focus attention on certain zoning ordinance provisions which may be used in lieu of special exceptions as a condition which must be met prior to the issuance of special exceptions.

#### Method of Treatment

The basic approach in developing this study has been to first review zoning ordinance provisions, primarily those of current zoning ordinances, relating to a variety of problem uses with respect to:

1. Districts in which problem uses are permitted;
2. Limitations on accessory uses;
3. Special lot area, yard or setback requirements;
4. Minimum distance from
  - a. the rearest residence district,

- b. the nearest place of public assembly, and
  - c. the nearest identical or similar use;
- 5. Screening requirements;
- 6. Access requirements, including
  - a. driveways,
  - b. curb cuts,
  - c. access through specified zoning districts;
- 7. Lighting requirements;
- 8. Parking;
- 9. Other requirements.

After the various zoning ordinance provisions were tabulated, the second step was to evaluate them and to establish suggested regulations for each problem use.

#### Problem Uses Selected For Study

All uses are, in a sense, problem uses when they are illogically located. Even single-family dwellings, for example, become problem uses of the first caliber when someone attempts to put them in an industrial district, a flood plain district, or a forestry district. It is beyond the practical scope of this study, however, to analyze all of the uses that, under certain conditions, could become problem uses; therefore, as a means of reducing the number of uses to manageable size, only those uses or groups of uses were selected which:

- 1. do not conform to the requirements of normal

zoning districts; or

2. require abnormally large lot area, yards or setbacks; or
3. pose special problems to the community with respect to the generation of noise, smoke, dust, odors, vibration, fire hazards, or glare; or
4. create abnormal traffic problems.

The problem uses selected for study were:

1. Automotive Junk Yards
2. Bowling Alleys
3. Churches
4. Commercial Parking Lots and Garages
5. Day Nurseries
6. Drive-in Theaters
7. General Homes
8. Gasoline Filling Stations
9. Hospitals
10. Liquor Outlets
11. Migratory Labor Camps
12. Motels
13. Motor Truck Terminals
14. Quarries and Strip Mines
15. Rooming Houses
16. Trailer Courts
17. Waterfront Recreational Developments

### Zoning Ordinances Reviewed

A total of 200 zoning ordinances from 34 states, the District of Columbia and Canada, were reviewed during the study. Of these, 97 were found to contain special restrictions limiting one or more problem uses. A complete list of such ordinances is found in the **appendix**.

### Legal Citations

Although the primary purpose of this study is not to prove the legality of any zoning provision, certain court cases are included which deal with a specific provision recommended in the study or otherwise further the objectives of the study.

### Other Sources

In certain instances sources other than zoning ordinances were reviewed in order to obtain basic study data. Model zoning ordinances, special ordinances and research reports were in some cases extremely valuable.

## FOOTNOTES

## CHAPTER I

<sup>1</sup>Interview with design engineer, American Oil Company: July, 1959.

<sup>2</sup>Proceedings, Atlanta-Fulton County Joint Planning Board, Atlanta, Georgia, July, 1959.

<sup>3</sup>Proceedings, Atlanta-Fulton County Joint Planning Board, Atlanta, Georgia, March, 1956.

<sup>4</sup>Proceedings, Memphis-Shelby County Planning Commission, Memphis, Tennessee, July, 1958.

## CHAPTER II

### THE PROBLEM USES

#### Automotive Salvage Yards

Each of the six to seven million automobiles produced in the United States each year will, in a few years, become automotive salvage. Our net annual contribution to automotive salvage yards from wrecks, depreciation and obsolescence can be roughly calculated at one million vehicles; and with our growing population of car owners, some of them owning two and even three cars, this figure can be expected to increase. The nation's auto salvage yards are elbowing their way out of conventional business districts and reaching out into suburban and agricultural locations in their search for the large sites at low prices necessary for the storage of worn-out cars. In most cases, salvage yards are unwelcome neighbors of suburban and rural dwellers. They are often unsightly; and some of their operations, such as the dismantling of auto bodies and the baling of scrap metal, may be noisy. The burning of waste materials may create offensive smoke and odors. Night operations may cause objectionable glare.

#### Bowling Alleys

Bowling alleys are becoming a popular center of

participant sport and recreation in the United States. It is now popular for the whole family to bowl--instead of men only, as has been customary in the past. Extensive recent television coverage of bowling tournaments indicates the mushrooming nationwide interest in the sport. Suburban housewives often combine a shopping trip with a game of bowling. High school students enthusiastically support the inclusion of bowling in school physical education programs; and some schools provide bus service to local bowling alleys.

For these reasons, it is important that bowling alleys be properly located in the community since they often produce noise, operate late at night, and often have bright, flashing signs for advertising and for illumination of parking areas. The zoning ordinance can be the chief instrument in securing proper locations and amenities for this important indoor recreation.

#### Churches

There has been a definite increase in church membership in the United States since World War II. In some respects it was stimulated by the rapid urbanization and growth of metropolitan areas, and also by a general "return to religion" which has been gathering momentum within recent years.<sup>5</sup> The effect of this boom in church membership and



of the movement of people to the suburbs has been a corresponding increase in new church construction which has led to many problems for the community. The prospect of having a church move into a neighborhood, especially if the church is of an unusual religious sect, is not always greeted with enthusiasm. The church generates traffic and parking problems if it has a large membership. While fifty years ago attendance at church was usually limited to Sunday and prayer meetings, there now may be added such diversified activities as business meetings, youth, Boy Scouts, Girl Scouts, fund-raising activities, public lectures, and even teen-age dances and bridge clubs. Outdoor music, church bells, carillons, and other noises may be objectionable to nearby residents, who may also become irritated by the noise and traffic generated by social affairs, games, bazaars, and similar activities.

#### Commercial Parking Lots and Garages

Within recent years increases in traffic volume have created a heavy demand for more parking spaces. Commercial parking lots and garages have been constructed in response to this demand. However, where these parking lots and garages are improperly located with respect to traffic circulation and access, they may contribute to the already acute congestion in the central business

district and other areas. Where parking lots are constructed on the fringes of business districts adjacent to residential areas, such parking lots may be offensive to residents and may adversely affect property values. Communities are therefore faced with grave problems regarding proper location and control of commercial parking lots and garages.

The zoning ordinance can best be used as a tool in solving these problems when proper districts are established within which commercial parking lots and garages are permitted under conditions that will help to achieve minimum adverse effects on surrounding uses.

#### Day Nurseries

The number of mothers in our labor force now exceeds five million. An ever-increasing number of women are seeking employment--some for professional reasons, others for augmentation of family income. As a result, day nurseries are growing in importance throughout the country, and the community problems they generate are growing also.<sup>6</sup> Although most families are accustomed to the presence of children, large numbers of them concentrated throughout the day in nurseries can be annoying to nearby residents. Some nurseries lack properly fenced areas where children can safely play, and others are overcrowded. The zoning

ordinance should play an important part in locating nurseries in such a way that they can effectively serve the community and also provide a safe place for children without creating excessive problems for adjacent residents.

#### Drive-in Theaters

Since the first drive-in theater was built in Camden, New Jersey, in 1933, the industry has expanded to over 1500 theaters doing an estimated 51 million-dollars-a-year business.<sup>7</sup> Drive-in theaters have proved to be both popular and profitable, but problems created by drive-in theaters are many. When they are located in areas adjoining residence districts, noise and glare may pose problems for the nearby residents. The towering theater screen, which can be seen for great distances, is an unpleasant sight for many residents. Adequate provisions in zoning ordinances to control drive-in theaters are urgently needed.

#### Funeral Homes

Although relatively few new funeral homes are being constructed each year, they pose some difficult problems for the community. The operators of funeral homes desire residential uses; and the people who make use of funeral homes also desire a residential setting for their funeral services. However, people who will live in the vicinity

of proposed funeral homes usually object to them very much. Properly drafted and administered, the zoning ordinance can be of great value in helping the city solve this problem.

### Gasoline Filling Stations

Improperly located gasoline filling stations create many problems for the community. Strings of stations along major streets and highways interfere with the movement of traffic. The proximity of stations to residence districts may reduce the value and desirability of the homes. Where gasoline pumps are too close to the street it is difficult for automobiles to enter and leave without delaying traffic. Service stations may also create traffic hazards for nearby places of public assembly. Effective zoning controls may assist in the solution of some of the problems created by gasoline filling stations.

### Hospitals

The regulation of the location of hospitals has been a prime concern of local communities for many years. Some residents object to living adjacent to or in the vicinity of hospitals. Some hospitals, especially those treating the mentally ill, have been prohibited entirely from some municipalities. Due to the proximity of sickness and disease, as well as glare from hospital lights at night and traffic generated by large numbers of vehicles entering and leaving

the hospital site, hospitals have long been unwelcome in many areas of the city.

### Liquor Outlets

In spite of intensive public scrutiny, regulation and control of the sale of alcoholic beverages, liquor outlets continue to be a major problem in many cities. The zoning ordinance can be a valuable adjunct to special liquor control laws in assuring that the community suffers a minimum amount of disturbance through the sale and distribution of alcoholic beverages.

### Migratory Labor Camps

The plight of housing for migratory farm workers has been for years a discouraging one. Due to his temporary stay and sometimes because of his foreign background, the seasonal worker has often been housed in quarters far below minimum standards of decency and with inadequate recreation and parking space. Although many of the site and physical requirements, as well as standards for operation and maintenance, are often contained in special ordinances, the zoning ordinance can be used to establish proper location standards and to secure some of the necessary living amenities of migratory labor camps.

### Motels

The motel industry has grown to giant proportions in the past twenty years until today there are an estimated 50,000 motels in the United States with over a million accommodations of widely varying types.<sup>8</sup> Along with this growth have come significant problems. Motels have tended to become larger and require larger sites; and some of them stay lighted throughout the night, posing increasing problems to adjacent residents and discouraging the development of surrounding land for residential use.

#### Motor Truck Terminals

The number of trucks has increased steadily since the turn of the century, and it has been predicted that trucking will further expand, perhaps doubling or tripling within the next ten years.<sup>9</sup> As a result of the growth of the trucking industry, communities are facing many problems. Trucks destined for the central business district may augment the congestion already there. Trucks of forty or more feet in length obstruct traffic when moving on narrow streets and also disrupt traffic when backed up to loading docks too short to keep the trucks off the street. The large size of trucks also complicate movements in crowded truck maneuvering and loading areas.

#### Quarries and Strip Mines

The cutting, crushing or washing of granite, lime-

stone or other quarried materials is often a noisy and dusty process. Many open pit type operations are of a temporary, transient nature, and excavations from quarries and strip mines often leave gaping holes long after extraction operations have been finished--excavations which are often dangerous to children in the vicinity as well as ruinous to the surrounding landscape. Blasting operations may be performed "round the clock" and seven days a week, greatly disturbing nearby residents.

Quarries and strip mines may, of course, be regulated by special ordinances specifying safety equipment, machinery and methods of operation. However, the zoning ordinance is a necessary and valuable tool in regulating certain aspects of the Quarrying industry in such a way as to minimize the adverse effects of the operations.

#### Rooming Houses

Although rooming houses and related uses are definitely needed in any community, they may cause numerous problems. Residents in the older sections of the city frequently object when neighboring homes are converted into rooming houses. The older converted structures usually have inadequate parking for the increasing numbers of roomers, most of whom have cars. Since roomers are, in the main, young people, the neighboring residents usually have to endure noise and activity in a neighborhood formerly accustomed to

peace and quiet. In college towns, in municipalities in the vicinity of large construction projects, or in other communities where there are large numbers of roomers, these problems can become acute. The zoning ordinance can be an effective tool in helping the community satisfy its needs for rooming houses without creating inconveniences to the community or to nearby residents of the more mature neighborhoods.

### Trailer Courts

Trailer Courts are second-rate housing for many people but they need not necessarily be so. Some two million Americans now live in trailers.<sup>10</sup> Workers in mobile and semi-mobile occupations, retired persons, vacationers, military personnel, and others have sent the figure higher each year. Only about half of the trailer courts in the United States, however, meet acceptable standards with respect to environment and livability.<sup>11</sup> They are frequently overcrowded, unlandscaped, and contain inadequate play space for children, and are undesired as neighbors by adjacent residents. Mud is a familiar sight around some trailers due to inadequate paving. Some cities have prohibited trailer courts altogether, forcing them to locate in unincorporated areas. Other cities have classified them as tourist accommodations, in spite of the fact that thousands of families live in them permanently, and have restricted them to



commercial districts. The zoning ordinance can be effectively used to locate trailer courts in such a way that they pose minimum problems to the community and surrounding uses.

### Waterfront Recreation Developments

Waterfront recreation areas throughout the United States are packed on weekends by increasing numbers of pleasure seekers. The hordes of visitors frequently jam highways and swarm over country roads, some of which are as yet unpaved. The pressure on recreation facilities is dramatically apparent in metropolitan, state and national parks where facilities such as camp sites, boating and swimming areas have become overcrowded. The use of both public and private recreation facilities has mounted to the point where it behooves planning and other officials to take a more active interest in finding solutions to pressing problems in recreation areas. In addition to adequate building codes, housing codes and subdivision regulations, adequate zoning ordinance controls are urgently needed in all types of waterfront recreation areas.

## FOOTNOTES

## CHAPTER II

<sup>5</sup>Dewhurst, J. Frederic and Associates, America's Needs and Resources, New York: The Twentieth Century Fund, 1955, p. 17.

<sup>6</sup>Special Report on Day Nurseries, American Society of Planning Officials, Planning Advisory Service Information Report prepared for the Atlanta-Fulton County Joint Planning Board, Atlanta, Georgia, June 25, 1953, p. 12.

<sup>7</sup>Drive-in Theaters, American Society of Planning Officials, Planning Advisory Service Information Report No. 51, June, 1953, p. 3.

<sup>8</sup>Motels and Motel Regulation, American Society of Planning Officials, Planning Advisory Service Information Report No. 63, June, 1954, p. 3.

<sup>9</sup>Motor Truck Terminals, American Society of Planning Officials, Planning Advisory Service Information Report No. 21, December, 1950, p. 1.

<sup>10</sup>The Changing Function of Trailer Parks, American Society of Planning Officials, Planning Advisory Service Information Report No. 84, March 1956, p. 1

<sup>11</sup>Wellington, Alexander C., "Trailer Camp Slums", Survey, October, 1951, pp. 418 and 419.

## CHAPTER III

### CURRENT PRACTICE IN THE CONTROL OF PROBLEM USES

#### Automotive Salvage Yards

There are three principal ways the zoning ordinance can be used to regulate automotive salvage yards: (1) the zoning ordinance may specify the proper zone or zones where such automotive salvage yards may be permitted; (2) the zoning ordinance may specify screening for the protection of adjoining or nearby residences and other uses; and (3) the zoning ordinance may establish appropriate parking requirements.

#### Zoning Districts in Which Automotive Salvage Yards Are Permitted

"Heavy" or "unrestricted" industrial districts.--Automotive junk yards of all types are usually permitted with little or no restriction in "Heavy" or "Unrestricted" industrial districts.

"Light" industrial districts.--Where no burning, crushing, smashing, baling or reduction of metal is carried on within the premises or where wrecked automobiles are completely dismantled prior to storage, automotive junk yards may be permitted in "Light" industrial districts. An example of this type of treatment can be found in the Los Angeles,

## California (1952) Zoning Ordinance.

### Screening Requirements

Automobile salvage yards may be screened from adjoining or nearby residence districts and other districts by a fence, hedge, trees, shrubs, or other screens. For example, the zoning ordinance of Los Angeles, California (1952) requires a six (6) foot wall or fence enclosing the salvage yard area in all districts where automotive salvage yards are permitted. An identical provision is also found in the Miami, Florida (1954) ordinance. The Chicago, Illinois (1957) Zoning Ordinance requires a solid wall or fence surrounding the salvage yard when any part of the site is within 300 feet of any residence district boundary line.

### Parking Requirements

One off-street parking space was commonly required for every four (4) employees plus one space for every vehicle used in the conduct of the business in the zoning ordinance containing parking provisions. Such requirements are also recommended by the Eno Foundation for Highway Traffic Control.<sup>12</sup>

### Bowling Alleys

The zoning ordinance can be used to regulate bowling

alleys by establishing the zoning district or districts where they are permitted and by establishing adequate parking requirements.

#### Zoning Districts in Which Bowling Alleys Are Permitted

Commercial districts.--Bowling alleys were generally allowed in commercial districts in the zoning ordinances reviewed.

Shopping center districts.--Certain restrictions were placed on bowling alleys in the Elkhart, Indiana (1957) zoning ordinance, which prohibited bowling alleys in the "B-1" limited retail business district from occupying first floor street frontage.

#### Parking Requirements

Parking requirements for bowling alleys showed a wide variation. They ranged from 3 spaces per bowling lane in the Fontana, California (1957) zoning ordinance to 7 spaces per bowling lane in the DuPage County, Illinois (1957) zoning ordinance. The most typical figure was 5 spaces per lane, as was found in the Seattle, Washington (1957) zoning ordinance. Studies by two major bowling equipment manufacturers, A. M. F. Pinsetters, Inc., and the Brunswick Automatic Pinsetter Corporation, recommended a ratio of 6 to 7.5 parking spaces per bowling lane.<sup>13</sup>

#### Churches

The zoning ordinance may establish the zoning district or districts where churches are permitted, establish minimum site area requirements and yard requirements for churches, maximum distance from surrounding residences and require adequate off street parking.

#### Zoning Districts in Which Churches Are Permitted

Residential districts.--Churches are usually permitted in all zoning districts, including residence districts, although rescue missions, temporary revivals and similar uses are prohibited in the Los Angeles, California (1952) zoning ordinance from certain residential districts.

Institutional districts.--In the Greensboro, North Carolina (1954) zoning ordinance, churches are permitted in an "institutional" district along with hospitals, colleges and similar uses. The Gainesville, Georgia (1956) zoning ordinance permits churches in the "I-N" institutional district (see page 53).

#### Special Lot Area and Yard Requirements

The Los Angeles, California (1952) zoning ordinance stipulates a 2 acre minimum site area for churches in all agricultural zoning districts. Various other recommendations have been made. One study recommends the following minimum site area requirements:<sup>14</sup>

Table 1. Minimum Site Area Requirements for Churches

Church Membership	Minimum Site Area Requirement
0 - 400	1 acre
401 - 800	2 acres
801 - 1,200	3 acres
1,201 - and over	4 acres and more

The Presbyterian Board of Missions recommends an average of 3 acres.<sup>15</sup> The Urban Land Institute recommends 3 to 5 acres.<sup>16</sup> Van Osdal has recommended 5 to 6 acres for churches with a seating capacity of 600.<sup>17</sup> The National Association of Home Builders, in estimating the minimum site area requirements for churches of 500 to 750 seating capacity recommended 2 to 2½ acres.<sup>18</sup>

Special yard requirements for churches have also been recommended to assist in minimizing possible adverse effects of churches in residential areas. The Springfield, Oregon (1947) zoning ordinance stipulates that "side and rear yards (of churches) shall have a minimum width or depth of 20 feet" in the "R-1" single family residence district. The same ordinance requires minimum side and rear yards of 50 feet in the "RA" suburban district.

#### Minimum Distance from Residence Lot Lines

Special requirements for churches stipulating

minimum distances from the church building to the nearest residence lot line will assist in minimizing adverse influences of the church in residential areas. The zoning ordinance of Faribault, Minnesota (1949) requires church buildings to be constructed at least 30 feet from the nearest residential lot line in the "R-1" and "R-2" residence districts. The zoning ordinance of Muskegon, Michigan (1952) also requires 30 feet in all residence districts.

#### Parking Requirements

Adequate parking is the "number one" problem of churches in many cities. The Highway Research Board, in a special study of parking requirements for churches, found that wide variation exists in present requirements. The board found that the number of church seats per parking space varied from 3 to 20, with 10 being the median figure.<sup>19</sup> Most planners and church men alike believe that any requirement of more than 5 is inadequate.<sup>20</sup> The National Association of Home Builders recommends that parking space be provided at a rate of 1 space for every 5 seats.<sup>21</sup> A study by the St. Paul, Minnesota planning board of local demand for off street parking for churches found a range of  $2\frac{1}{2}$  to 8 seats per space, with an average of 4.<sup>22</sup>

Some zoning ordinances provide that, if necessary, off street parking for churches may be provided within a reasonable distance of the church site rather than on the



site itself. The zoning ordinance of Ferguson, Missouri (1952) permits off street parking for churches within 300 feet of the church site. The Oak Park, Illinois (1947) zoning ordinance permits off street parking for churches within 200 feet of the church site.

#### Commercial Parking Garages and Lots

The parking needs of most business districts are especially critical due to high automobile densities in commercial areas and the scarcity of parking space.

#### Zoning Districts in Which Commercial Parking Garages and Lots Are Permitted

The central business district.--Opinions differ as to whether parking garages and lots should be permitted in the central core of the city. An interesting approach to the problem of downtown parking has been incorporated into the design of Gruen in his proposed plan for the central core of Kalamazoo, Michigan.<sup>23</sup> Here all parking is prohibited in the central business district and restricted to areas surrounding the downtown concentrations of business and industry. A similar plan has been proposed for Fort Worth, Texas.<sup>24</sup> Such drastic measures of course create multitudes of problems and will call for skillful planning and redevelopment of a high order to insure

successful completion. Nevertheless, many planners view this type of treatment as the only possible "cure" for the parking headaches of the central core. As a matter of practical necessity, however, most cities now allow parking garages and lots in the central business district.

Other commercial districts and industrial districts.--Commercial parking garages and lots are also normally permitted in commercial districts other than the central business district and in industrial districts. Here in the outlying zones the problem of congestion, paramount in the central business district, is relatively lessened and in its place looms the problem of protecting adjacent residences from commercial parking, principally parking lots, which are elbowing their way out of the older commercial and industrial districts into surrounding residential areas in many cities. The problem takes two forms; (1) where there is insufficient land in commercial districts to provide for the parking needs of existing business firms, parking space may be secured by expansion of the commercial district; (2) if the expansion of the commercial district is not feasible, parking lots may be authorized in adjoining residence districts. For example, parking lots are permitted in residential districts adjacent to any business district in the Arcadia, California (1949) and the Chicago Heights (1950) Zoning Ordinances.

Special zoning districts.--Possibilities exist for the establishment of a parking district with parking as the only permitted use to serve the parking needs of adjacent commercial districts, as is done in the St. Clair Shores, Michigan (1951), Warren Charter Township, Michigan (1952), and Wayne, Michigan (1952) Zoning Ordinances. Although residences and other uses may be permitted in special parking districts, as is the case in the Azusa, California (1949) Ordinance, a practice engendering less land use friction is to establish the parking district with parking as the only permitted use. If parking is the only permitted use, there are advantages to the special parking district over other district locations for parking. First, the boundaries of the parking district can be established in such a way that topographical features, highways, railroads, and other barriers can be exploited to the fullest extent in assuring that minimum friction will accrue in adjoining residential properties. Second, the surrounding residents and other uses can be assured that only the parking of automobiles will be carried on in the parking district, as would not necessarily be the case if the existing commercial district was extended or if commercial uses were permitted in the parking district.

Generally speaking commercial parking garages and lots are allowed without further zoning restriction in the

central business district. However, in the outlying commercial and industrial districts, some additional requirements may be made to minimize frictions between expanding parking areas and surrounding residential districts.

#### Minimum Distance from the Nearest Residence District Boundary Line

The Zoning Ordinance may appropriately give space protection to a residence district where it adjoins a parking lot. The Zoning Ordinance may require, for example, that the boundaries of the parking lot be located a specified distance from the nearest residence district boundary. The Buffalo, New York (1953), Lexington and Fayette County, Kentucky (1951), and Midland, Michigan (1948) Zoning Ordinances require 50 feet from the boundaries of the parking lot to the nearest residence district. The Cincinnati, Ohio (1949) Zoning Ordinance requires 75 feet.

#### Screening Requirements

Parking facilities may be screened from adjoining or nearby residential or other uses by a wall, hedge, fence, trees or shrubs. The Los Angeles, California (1952) Zoning Ordinance, for example, requires a six (6) foot fence, hedge, or wall along the property lines of commercial parking lots adjoining residence districts. Such screens, if properly used, will not only shield the parking lot visually, but will, to a limited extent, act as a noise buffer.

#### Access Through Commercial or Industrial Districts

Traffic generated by parking facilities (automobiles coming in and out of the lot) can be minimized, and residential districts may be protected from traffic generated by adjacent parking facilities and districts, if entrances and exits are arranged so that the traffic does not flow through residential districts.

For example, in a case where a parking lot is located between a commercial district and a residential district, the zoning ordinance would require, except in unusual cases, that access to the parking lot be made through the commercial rather than the residential district. Requirements of this type may be found in the Detroit, Michigan (1949) and Cincinnati, Ohio (1949) Zoning Ordinances.

#### Lighting Requirements

Lighting used to illuminate the parking facility may be required to be arranged so as to reflect light away from adjoining residential uses. Such a requirement is found in the Buffalo, New York (1953) Zoning Ordinance.

#### Other Requirements

Truck parking.--Trucks should, of course, be required to park in loading docks especially designed for trucks and should be prohibited from automobile parking lots, as is done in the South Pasadena, California (1951) Zoning Ordinance.

## Day Nurseries

The zoning ordinance may be used to regulate day nurseries in four principal ways: (1) The zoning ordinance may establish the proper zone or zones in which day nurseries may be permitted; (2) The zoning ordinance may specify minimum site area and play area requirements; (3) It may establish minimum fencing requirements; and (4) It may require appropriate off street parking.

### Zoning Districts in Which Day Nurseries Are Permitted

Single family districts.--Day nurseries may be allowed in all residence districts, including the most restricted or single family residence district. Such locations not only provide a convenient location for working mothers but give the children two of the things they need for healthy growth--an abundance of light and air and a relatively quiet locality.

Two family districts.--Almost without exception the zoning ordinances reviewed allowed day nurseries in single family districts as well as all other residence districts. An exception was the Colorado City, Texas (1951) zoning ordinance, which allowed day nurseries in two family residence districts but not in single family residence districts.

Multi-family districts.--Another exception was the Anchorage,

Alaska (1952) zoning ordinance, which allowed day nurseries in multi-family residence districts but prohibited them in the lower density residence districts.

#### Special Lot Area Requirements

A shortcoming of many day nurseries is lack of adequate safe play area for the children. In order to insure such adequate play space, the zoning ordinance may establish either minimum site area requirements or requirements for minimum play space per child. The Maryland-Washington Regional District, Maryland (1949) zoning ordinance attacks the problem from the "total site area" standpoint and requires a minimum of 3 acres for all day nurseries. Most other zoning ordinances approach the problem from the "minimum play space per child" standpoint. In order to insure adequate space for the day nursery, zoning ordinances such as those of Park Forest, Illinois (1951) and Washington, D. C. (1950) require at least 100 square feet of play area per child.

#### Screening Requirements

In order to insure a safe play area, the zoning ordinance may require that outside play areas be adequately fenced or screened, as is required in various zoning ordinances such as those of Lexington, Kentucky (1952), Muskegon, Michigan (1952), Montgomery County,

Ohio (1952), Des Moines, Iowa (1953), Park Forest, Illinois (1951), Prince George's County, Maryland (1949), Anchorage, Alaska (1950) and others.

#### Parking Requirements

A shortcoming of many zoning ordinances is failure to specify off street parking requirements for day nurseries. The Eno Foundation for Highway Traffic Control recommends that at least one off street parking space be provided for each 5 children cared for on the premises.<sup>25</sup>

#### Drive-in Theaters

Zoning controls may be utilized to establish the proper district or districts where drive-in theaters may be permitted, and prescribe regulations for access and circulation, vehicle storage, protective fencing, and placing of theater screens.

#### Zoning Districts in Which Drive-Theaters Are Permitted

Commercial districts.--Drive-in theaters are normally permitted in commercial districts, although differences of opinion exist as to whether they should be permitted in all commercial districts. The Los Angeles, California (1952) Zoning Ordinance allows drive-in theaters in the "C-2" commercial district but prohibits them in the "C-1"



limited commercial district. This is also the case in the Dekalb County, Georgia (1959) Zoning Ordinance, which allows drive-in theaters in the "C-2" General Commercial district but excludes them from the "C-1" local commercial district.

Industrial districts.--Most of the zoning ordinances reviewed allowed drive-in theaters in industrial districts. In some instances this has been found to be a satisfactory arrangement because drive-in theaters operate only at night and seldom conflict with the surrounding industrial uses, which operate mainly in the day time. One ordinance, the Zoning Ordinance of Royal Oak, Michigan (1951), restricted drive-in theaters from all zoning districts except the industrial districts.

Agricultural districts.--The Zoning Ordinance of Winston-Salem, North Carolina (1949) permits drive-in theaters in agricultural districts. One of the advantages claimed for agricultural districts is that sites of adequate size can be readily acquired. A recent estimate placed the minimum land needs of an average drive-in theater at approximately 20 acres.<sup>26</sup>

#### Screening Requirements

Nearby residences and other uses may be protected from drive-in theaters by a fence, wall or hedge. The Royal Oak, Michigan (1949) Zoning Ordinance requires a

fence of adequate height to screen patrons and automobiles in attendance, but in no case less than seven feet in height and constructed so as to completely enclose the drive-in theater.

#### Access Requirements: Driveways

A large volume of traffic enters and leaves the theater each night. If driveways are unpaved or too narrow to accommodate incoming or outgoing traffic, vehicular movement on neighboring streets may be impeded and dust may be generated which in turn creates adverse conditions for surrounding residences and other uses. The flow of traffic can be facilitated and undesirable effects of traffic on adjoining residential districts can be reduced by proper zoning controls. In certain zoning ordinances, including those of Collingswood, New Jersey (1949) and Colorado Springs, Colorado (1954), it is specified that driveways to drive-in theaters be paved and at least 20 feet wide. This type of regulation can be written into special ordinances rather than the zoning ordinance if necessary.

#### Other Requirements

Vehicle storage.--Adequate storage of automobiles between the ticket gates and the highway is necessary if traffic circulation is not impeded on the highway. The American

Association of State Highways Officials recommends that the following principles be used to determine vehicle storage requirements of drive-in theaters:

The problems of vehicle storage between the ticket gates and the highways are primarily a function of the number of ticket gates. One ticket gate should be used for theaters up to 300 car capacity. Two gates should be used for theaters between 300 and 600 car capacity. Three gates should be used for theaters between 600 and 800 car capacity. Four gates should be used for theaters between 800 and 1000 car capacity. In no case, however, should total auto storage facilities be greater than 40 per cent of the theater capacity.<sup>27</sup>

The above information can then be used to determine the approximate length of access drives between the highway and the ticket gates. For example, a 600 car capacity drive-in theater with two gates would mean that each gate would process a maximum of 300 cars per theater performance. Vehicle storage requirements would then be 30 to 40 per cent of 300, or 90 to 120 cars. This type of regulation can also be written into special ordinances rather than the zoning ordinance if necessary.

Placing of theater screens.--One of the main objections voiced by residents living in the vicinity of drive-in theaters is the unpleasant sight of the screen when it faces the highway or street. The flashing of pictures on the screen may also be distracting to passing motorists, creating safety hazards. Consequently, it is imperative

that screens be set back or arranged so that their objectionable features are minimized; a common shortcoming in many zoning ordinances. The DeKalb County, Georgia (1959) Zoning Ordinance attempts to deal with this problem. It requires drive-in theater screens to be placed so that they do not face the street, or if they cannot be placed in this manner, to be set back at least 2000 feet from the street.

#### Funeral Homes

With respect to funeral homes, the zoning ordinance may be properly used to establish a zoning district or districts where funeral homes may be permitted, to establish minimum site area requirements, and to establish parking requirements.

#### \* Zoning Districts in Which Funeral Homes Are Permitted

Residential districts.--A long history of court litigation is ample evidence of the difficulties funeral homes have experienced in their attempts to secure building sites in residential areas. Before the days when zoning was common the location of funeral homes in residential areas was often opposed on the basis that funeral homes constituted a nuisance. In fact, the location of funeral homes in purely residential areas are frequently contested on these grounds today. For instance, in the case of

Frederick et al v Brown Funeral Homes, Inc., in RE Brown Funeral Homes, Inc., Supreme Court of Louisiana, April 28, 1952, on application for rehearing November 10, 1952, 60 SO. 2d 100 (vol. 5 zd p. 88), it was pointed out that the courts in 22 states have held that establishment or operation of a funeral home should be enjoined in a strictly residential neighborhood. In the case of Street v Marshal, St. Louis, Missouri, 291 SW 494, involving the location of a funeral home in a residential district, the court had this to say.

No amount of skill or tact can wholly eliminate from the undertaking business its constant reminders of death--the one thing from which the normal individual instinctively flees, whatever his religion or philosophy of life. To be compelled to live in a continuing atmosphere of death is intolerable. While the undertaking business is not only lawful but indispensable, there is no justification or excuse for its seeking out and establishing itself in localities devoted exclusively to homes, where it not only materially detracts from the comfort and happiness of those who dwell there, but ruinously depreciates the value of their real estate as well.

Commercial districts.--Funeral Homes are usually permitted in commercial districts, as was the case in approximately 80 per cent of the zoning ordinances reviewed.

Special districts.--In one ordinance, Greensboro, North Caroline (1954), funeral homes are permitted in an "Institutional" district along with hospitals, churches and other institutional uses.

The location of funeral homes in appropriate zoning districts will do much toward minimizing their possible undesirable effects on the community, however restrictions are sometimes needed in addition to the establishment of zoning districts where funeral homes are permitted. Objections have been raised to establishing funeral homes even in commercial districts because the presence of the dead and the constant visitations of the bereaved members of families and friends of the dead may create such a depressing atmosphere of gloom that it precludes the carrying on of normal business activity.<sup>28</sup> Adequate lot area requirements and parking requirements, while they will not eliminate the problem, will assist in lessening some of the more pungent objections.

#### Special Lot Area Requirements

A shortcoming of many zoning ordinances is failure to specify a minimum site area for funeral homes. This leads to continuing friction between the funeral home and its neighboring uses. Research done by the National Selected Morticians can be used as a basis for estimating such requirements. As a rule of thumb, the National Selected Morticians recommends that the lot or site area should be a minimum of 3 times the area covered by the building or buildings. On this basis, they estimate that ground area requirements would range as high as 75,000

square feet, with about 25,000 square feet as an average figure. Although the ground area of existing funeral homes are as low as 3,000 square feet, it is not considered feasible that a modern funeral home, with its intensified parking and other space needs, could operate efficiently on a site of less than 25,000 square feet. Frontages may range from 40 to 275 feet depending on the shape of the lot.<sup>29</sup>

#### Parking Requirements

At least 5 off street parking spaces have been recommended for each funeral parlor by the Lma Foundation.<sup>30</sup> An additional space is recommended for each vehicle used in the conduct of operations of the funeral home related to the premises, and an additional space is also recommended for each resident on the premises. The DeKalb County, Georgia (1959) zoning ordinance requires that parking spaces be provided by funeral homes to accommodate at least 20 cars in funeral procession order on the parking lot. This will in most cases prevent funeral processions from lining up on the streets.

#### Gasoline Filling Stations

The zoning ordinance can be utilized in many ways to regulate gasoline filling stations in the public interest. Appropriate zoning districts may be established

in which gasoline filling stations are permitted. Gasoline filling stations may also be regulated from the standpoint of minimum site area, minimum setback of gasoline pumps, minimum distance from residential districts, minimum distance from places of public assembly, minimum distance from other gasoline filling stations, screening, access, and parking.

#### Zoning Districts in Which Gasoline Fillings Stations Are Permitted

Residence districts.--A few zoning ordinances permit gasoline filling stations in residential districts, but this practice has been frowned upon by the courts.<sup>31</sup>

Commercial districts.--Most of the zoning ordinances reviewed permit gasoline filling stations in commercial districts. Opinion was divided, however, on the question of whether gasoline filling stations should be permitted in all commercial districts. Some ordinances prohibited gasoline filling stations in local neighborhood shopping districts in certain cases. The Zoning Ordinances of Bismarck, North Dakota (1953), Colorado Springs, Colorado (1954), and Kansas City, Missouri (1954) permit gasoline filling stations in "shopping" districts only if such filling stations are designed as an integral part of a shopping center. Other zoning ordinances prohibit gasoline filling stations from neighborhood shopping districts



that are small in size. For instance, the Park Forest, Illinois (1951) Zoning Ordinance permits gasoline filling stations in the "C-1" neighborhood shopping district only when such district exceeds two (2) acres.

Special zoning districts.--Specialized commercial districts in which gasoline filling stations are permitted have been established in some zoning ordinances. The Ardmore, Oklahoma (1946) zoning ordinance, for instance, permits gasoline filling stations in a "Tourist" district. The Easton, Pennsylvania (1952) zoning ordinance permits gasoline filling stations in a "Roadside Service" district.

#### **Limitations on Accessory Uses**

Permitted activities are a problem with respect to gasoline filling stations because stations often vary widely in the range of their activities. Services performed by gasoline filling stations may be restricted in commercial districts to the sale of gasoline, oils, accessories, and the washing and lubrication of vehicles. For example, the Royal Oak, Michigan (1951) Zoning Ordinance prohibits storage of automobile parts and accessories except for retail display, metal bumping or other noisy operations, or spray painting. The Miami Beach, Florida (1951) Zoning Ordinance prohibits removal of engines and crank cases, valve grinding, tire recapping, auto body work, installation of wheel bearings, installation of fuel

lines and fuel pumps, painting and bulk storage of gasoline at gasoline filling stations located in neighborhood business districts. These services, being of an industrial nature, are permitted only in gasoline filling stations located in industrial districts. The Atlanta, Georgia (1954) Zoning Ordinance requires gasoline filling stations performing maintenance work on engines and crank cases, valve grinding, auto body work, installation of wheel bearings, and other repair and maintenance activities be located in the same district as "Auto Garages", in which case they would be prohibited from the "C-1" (Neighborhood Commercial) district and permitted in the "C-2" (General Commercial) district. Tire recapping activity in excess of four moulds is considered by the Atlanta ordinance to be an industrial activity and is permitted only in industrial districts. A gasoline filling station may, however, do a limited amount of tire recapping in the commercial districts under the Atlanta Ordinance.

#### Special Lot Area and Setback Requirements

Gasoline filling stations crowded on too small sites are common in many cities. This means that vehicles entering and leaving the site may block normal traffic circulation and create problems for surrounding residences and other uses. A site area of at least 8,000 square feet

for gasoline filling stations has been upheld as a reasonable exercise of the police power in the case of People ex rel Rubin v Berin, Supreme Court, Westchester County, 269A 2d 439 (1939).

Setback of gasoline pumps.--To insure that all pumping of gasoline is conducted entirely on the gasoline filling station site and does not interfere with street traffic, many zoning ordinances require that gasoline pumps be set back a specified distance from the street right-of-way. The Zoning Ordinance of Pittsfield, Massachusetts (1949) requires a 15 foot setback, as do numerous others such as the ordinances of Altoona, Pennsylvania (1949), Bluefield, West Virginia (1938), Colorado Springs, Colorado (1954), Easton, Pennsylvania (1952), Erie, Pennsylvania (1950), Marblehead, Massachusetts (1950), and Pittsfield, Massachusetts (1953). Although a 15 foot setback was the most popular, some ordinances required a 12 foot setback, including Collingswood, New Jersey (1949), Des Moines, Iowa (1953), Greensboro, North Carolina (1954), and Montgomery County, Ohio (1952). The Zoning Ordinance of Prince George's County, Maryland (1949) required a setback of 10 feet for gasoline pumps. Some zoning ordinances required a greater setback than 15 feet. For instance, the Salt Lake County, Utah (1954) Zoning Ordinance required 18 feet. The proposed zoning code for communities forming

the Regional Planning Authority of South Connecticut recommended a distance of 20 feet. The greatest distance required was in the zoning ordinance of Montville, New Jersey (1952), which required 25 feet. The zoning ordinance of DeKalb County, Georgia (1959) and others required further that, where a future street widening line has been established, the setback should be measured from such line rather than from the present right of way line.

#### Minimum Distance Requirements

Minimum distance from the nearest residence district boundary line.--One of the objections to gasoline filling stations is that they create noise, glare and other problems for nearby residents. Physical separation is a sometimes effective means of minimizing these problems. The Alcoa, Tennessee (1952) Zoning Ordinance requires that gasoline filling stations be located at least 50 feet from any residence district boundary line. The Collingswood, New Jersey (1949) Zoning Ordinance requires 100 feet. Even greater distances than these may be appropriate for some of the larger gasoline stations, especially those in which major repairs, painting, steam cleaning, tire recapping and other "industrial" type operations are performed.

Minimum distance from places of public assembly.--Gasoline filling stations in close proximity to schools, churches,

auditoriums, hospitals and other places of public assembly may create safety hazards to pedestrians and increase traffic congestion. For this reason the zoning ordinance may require physical separation between gasoline filling stations and such places of public assembly. The Zoning Ordinance of Muskegon, Michigan (1952), Pittsfield, Massachusetts (1953), Altoona, Pennsylvania (1949), Bluefield, West Virginia (1938) and others require that gasoline filling stations be located at least 200 feet from the nearest place of public assembly. The Marblehead, Massachusetts (1950) Zoning Ordinance requires 300 feet. The Omaha, Nebraska (1952) Zoning Ordinance requires 500 feet.

Minimum Distance from the Nearest Identical or Similar Use

Some zoning ordinances have a policy of restricting the total number of gasoline filling stations by requiring that they be spaced well apart. The Village of Whitefish Bay, Wisconsin (1941) Zoning Ordinance requires gasoline filling stations to be located at least 500 feet from any existing gasoline filling station. This provision was upheld by the courts in the case of State ex rel Newman, appellant v Pegals Building Inspector, respondent, 212 Wis 475, 250 NW 430 (1933). The Dearborn, Michigan (1953) Zoning Ordinance requires gasoline filling stations to be located at least one (1) mile from any existing gasoline filling station. Evidently this requirement has never

been challenged in the courts.

#### Screening Requirements

Gasoline filling stations may be screened from adjoining or nearby residences or other uses by a wall, hedge or fence or an area landscaped with trees and shrubs. The Alameda, California (1940) Zoning Ordinance requires a six (6) foot fence between gasoline filling stations and adjoining residence district boundary lines. The fence must be set back at least ten feet from the property line. The Zoning Ordinance of Providence, Rhode Island (1955), Muskegon, Michigan (1952), and Colorado Springs, Colorado (1954) have similar provisions.

#### Access Requirements: Driveways and Curb Cuts

To facilitate proper channelization of traffic, some zoning ordinances impose limitations on the width of curb cuts. The Erie, Pennsylvania (1950) Zoning Ordinance limits curb cuts to a maximum of 30 feet for gasoline filling stations. The Des Moines, Iowa (1953) Zoning Ordinance limits curb cuts to a maximum of 45 feet. Other control provisions may be utilized. For example, the Zoning Ordinance of Salt Lake County, Utah (1954) prohibits driveways of gasoline filling stations within three (3) feet of any property line, fire hydrant or catch basin. The purpose of such regulation is to keep traffic from

encroaching on adjacent property and public utility installations.

#### Parking Requirements

A common shortcoming in many zoning ordinances is lack of requirements for off-street parking for gasoline filling stations. Adequate parking can do much to lessen congestion so frequently found on the sites of gasoline filling stations. The Royal Oak, Michigan (1951) Zoning Ordinance requires two (2) off-street parking spaces for each four (4) gasoline pumps. A similar requirement is made in the DeKalb County, Georgia (1959) Zoning Ordinance. The DeKalb County, Georgia ordinance further requires that such parking spaces be provided in addition to regular service areas of the gasoline filling station.

#### Hospitals

The survey brought to light a variety of zoning requirements which communities are utilizing to establish location control over hospitals.

#### Zoning Districts in Which Hospitals Are Permitted

Residence districts.--Hospitals may be permitted in residence districts. A survey by Doyle revealed that, out of a total of 285 zoning ordinances, 73 ordinances allowed hospitals in residence districts.<sup>32</sup> In the

New York, N. Y. (1944) Zoning Ordinance, for instance, hospitals are permitted in residence districts. This policy has been recommended because:

The criteria for hospital location are parallel to those for dwellings, and the importance of a good environment being certainly no less for the sick than for the well, it seems reasonable that zoning should admit hospitals to residence districts of any type.<sup>33</sup>

Among specific zoning ordinances permitting hospitals in residence districts are the zoning ordinances of Baltimore, Maryland (1931), Boston, Massachusetts (1948), Philadelphia, Pennsylvania (1947), Washington, D. C. (1950) and others. In certain cases hospitals may be prohibited from some residential districts but allowed in others. The Los Angeles, California (1952) Zoning Ordinance permits hospitals only in the "RA" suburban district, in agricultural districts and in the "R5" multiple family dwelling district.

Commercial and agricultural districts.--Further restrictions are sometimes made with respect to hospitals for contagious, mental, drug or liquor addict patients. The Los Angeles, California (1952) ordinance restricts such hospitals to the "A-1" Agricultural District. The Cleveland, Ohio (1947) Zoning Ordinance prohibits hospitals of this nature in all residence districts, allowing them only in commercial districts. Only a limited number of independent special care facilities such as these are being built, however. More



frequently they are merely elements of a large medical center.<sup>34</sup>

Special districts.--Although extremely rare at this time, Special Medical Districts are being developed. The Zoning Ordinance of Bristol, Tennessee (1957) establishes an "O-I" Office and Institutional District in order to "encourage the development of homogeneous areas composed of medical and related uses and to protect these areas from the intrusion of incompatible uses". The following uses are permitted:

1. Any use permitted in an R-H (Residential Estates) District with the exception of cemeteries.
2. Two-family and multi-family residences.
3. Medical and dental clinics.
4. Clinical laboratories.
5. Nurses' homes.
6. Nursing (convalescent) homes.
7. Professional offices or studios of a chiropractor, dentist, masseur, optometrist, osteopath or physician.
8. Drug stores.
9. Parking lots.
10. Signs advertising uses conducted on the lot, provided such signs are not illuminated and do not exceed six (6) square feet in area.

A more generalized district permitting hospitals can be found in the Gainesville, Georgia (1956) Zoning Ordinance. Here an "I-N" Institutional District permits the following uses:

1. All uses permitted in a Residence II district.
2. Hospitals for humans.
3. Schools, including colleges and universities.
4. Nursery schools or kindergartens.
5. Sorority or fraternity houses.
6. Florist shops.
7. Drug stores.
8. Offices for clinics for medical or dental practice.
9. Clinical laboratories.
10. Any other activity which is customarily considered as being accessory to a hospital, school, college or university.
11. Antique shops.
12. Churches and fraternal organizations.

The Zoning Ordinance of Greensboro, North Carolina (1954) permits hospitals to locate in an "Institutional District" along with churches, colleges, and other institutional uses. The Zoning Ordinances of Wauwatosa, Wisconsin (1951) and New Orleans, Louisiana (1954) also have zones primarily designed to accommodate medical facilities.

### Special Lot Area and Yard Requirements

A generous acreage in the hospital site can do much to lessen its undesirable effects on surrounding residences. Twenty-five acres are required for hospitals in the Maryland-Washington Regional District, Maryland (1949) Zoning Ordinance when located in "rural residential" zones. Some zoning ordinances require lesser amounts of land, as, for instance, the Los Angeles, California (1952) Zoning Ordinance, which requires a minimum site of five (5) acres in the "A-1" Agricultural District. The Muskegon, Michigan (1952) Zoning Ordinance requires four (4) acres in the "R-2" Residential District.

Yards and setback requirements greater than those normally required are commonly placed on hospitals, especially when they are located in residence districts. The Cheltenham Township, Pennsylvania (1950) Zoning Ordinance, for example, requires a setback of at least 200 feet from all lot lines where hospitals are located in Residence "A" districts. The Maryland-Washington Regional District, Maryland (1949) Zoning Ordinance requires a setback of at least 200 feet from all lot lines where hospitals are located in "Rural Residential" districts.

### Screening Requirements

Fencing may be required by the zoning ordinance for both protection and safety. The Maryland-Washington

Regional District, Maryland (1949) Zoning Ordinance requires "protective man-proof fencing where necessary" around hospitals located in the "Rural-Residential" districts.

#### Parking Requirements

Adequate parking is a vital necessity to the efficient operation of a hospital in order to insure the prompt arrival and departure of patients, visitors, staff and visiting doctors, nurses and employees. Generally most of the ordinances containing parking provisions for hospitals required one parking space for each four (4) beds in the hospital, as does the DeKalb County, Georgia (1959) Zoning Ordinance. However, the Eno Foundation for Highway Control has recommended one space for each three (3) beds.<sup>35</sup>

In addition many ordinances specify that one additional space be provided for each staff or visiting doctor and one space for every four (4) employees. The Eno Foundation urges in addition that at least one off-street parking space be reserved for each 10 daily visitors, plus one space for each 1,500 square feet of floor area in residence quarters, dormitories, and other living quarters on the premises.<sup>36</sup>

Some zoning ordinances specified minimum loading requirements as well as parking requirements. The Zoning Ordinance of DeKalb County, Georgia (1959) for example,

requires one off-street loading space for every 10,000 square feet of gross floor area in the hospital. A similar requirement is found in the Atlanta, Georgia (1954) Zoning Ordinance. The Sno Foundation for Highway Traffic Control has recommended one off-street loading space for every 50,000 square feet of floor area in addition to needed space for ambulances and other emergency hospital vehicles.<sup>37</sup>

### Liquor Outlets

The zoning ordinance may appropriately regulate liquor stores and other liquor outlets by establishing a zoning district or districts where such liquor outlets may be permitted, by establishing special yard requirements, by establishing minimum distance requirements with respect to places of public assembly and other liquor stores, and by establishing adequate parking and loading requirements.

#### Zoning Districts in Which Liquor Outlets Are Permitted

General commercial districts.--Most of the zoning ordinances reviewed permit liquor outlets in commercial districts, but there was a difference of opinion as to whether liquor outlets should be permitted in all commercial districts.

Limited commercial districts.--The zoning ordinance of Fullerton, California (1957) and Elmonte, California (1957)

prohibit the sale of liquor in the "C-1" limited commercial district. Liquor stores are also prohibited in limited commercial districts in the Bismarck, North Dakota (1953), Modesto, California (1957), and DuPage County, Illinois (1957) zoning ordinances. The term "limited commercial district" in these ordinances generally referred to commercial districts permitting only retail shopping facilities and services.

#### Special Yard Requirements

Special side yard requirements may be established in the zoning ordinance to protect residential districts when they are adjacent to liquor outlets. For instance, the Los Angeles, California (1952) zoning ordinance requires a side yard of 50 feet for liquor stores under these circumstances.

#### Minimum Distance from the Nearest Place of Public Assembly

The zoning ordinance may also be used as an instrument to protect places of public assembly from possible undesirable effects of adjacent or nearby liquor stores. The zoning ordinance of Miami, Florida (1954), for instance, requires liquor stores to be located at least 1,000 feet from all public schools, churches, and places of public assembly. The Farmington, Connecticut (1950) zoning ordinance requires 500 feet. Minimum distance requirements

such as these have been upheld in principle in the case of Rule v Etowah, 262 SW 2d 498 (Tenn. 1953).

#### Minimum Distance from the Nearest Identical or Similar Use

Yet another method of regulating liquor outlets through zoning ordinances is to establish minimum distances between liquor stores. For example, the Darien, Connecticut (1957) zoning ordinance requires liquor stores in any district to be located at least 1,500 feet from any existing liquor store. The Newark, New Jersey (1945) zoning ordinance requires 1,000 feet.

#### Parking Requirements

Parking space needs of liquor stores are often high. the Eno Foundation for Highway Traffic Control has recommended that one off street parking space be provided for every 300 square feet of gross floor area in the premises.<sup>38</sup> The zoning ordinance of Atlanta, Georgia (1954) requires that one off street parking space be provided for every 200 square feet of gross floor area on the premises.

In addition to parking for automobiles, the Eno Foundation for Highway Traffic Control has recommended that liquor stores of over 3,000 square feet have at least one off street loading space.<sup>39</sup>

#### Migratory Labor Camps

Although none of the zoning ordinances reviewed had

any provisions relating to migratory labor camps, they may appropriately be permitted in agricultural districts as suggested by the U. S. Department of Labor provided:

1. No camp shall be located less than 200 feet from barns, pens or similar quarters of live-stock or poultry.
2. No camp shall be located less than 200 feet from an establishment processing or distributing commercial food products.
3. Camp sites are adequate in size to permit location of buildings so as to minimize the hazards of fire and to provide space for recreation commensurate with the size of the camp and type of occupancy.<sup>40</sup>

### Motels

Locational problems of motels have been dealt with in a number of ways by zoning ordinances.

#### Zoning Districts in Which Motels Are Permitted

Motels are typically permitted in limited industrial districts, commercial districts, and the multiple family residential districts of many cities. While the location of motels in multiple residential districts is still relatively a rare occurrence, it is more evident now than in the past. For example, the DeKalb County, Georgia (1959)



Zoning Ordinance permits motels in multi-family residence districts as also does the Los Angeles, California (1951) Zoning Ordinance.

Special districts.--The Colorado Springs, Colorado (1954) Zoning Ordinance establishes a "Tourist Zone" in which motels are permitted. The Colorado Springs provision includes, among others, the following regulations:

Permitted Principal Uses

1. Tourist courts
2. Trailer coach parks
3. Drive-in businesses

Permitted Accessory Uses, Exceptions and Limitations

1. Swimming pools, tennis courts, and similar recreational uses when established in connection with a tourist court or trailer coach park.
2. Signs appurtenant to any tourist court or trailer coach park.

A similar "tourist" district is found in the Bend, Oregon (1951) Zoning Ordinance.

Agricultural districts.--The Zoning Ordinance of Winston-Salem, North Carolina (1949) allows "tourist cabins and motor courts or motels" in rural districts if they conform to the following regulations.

1. No cabin or court is closer to the street than the established building line or closer than 30 feet to any property line.
2. The space between cabins, at the side, is not less than 18 feet, and the space between rows of cabins, at the front or rear, is not less than 60 feet.
3. Automobile parking space sufficient to accommodate the cars of all guests are provided on the premises and back of the established building lines.

#### Special Lot Area and Yard Requirements

Motels of modern design require extensive land because many of them have a substantial number of units. The fact that nearly all of the newly constructed motels are of one story adds to the site requirements. Land is also needed for parking, driveways, accessory uses and yard space. Many zoning ordinances specify a minimum lot area per motel unit. For example, the Warren Township, Michigan (1952) Zoning Ordinance requires 1,000 square feet of lot area for each motel unit or separate guest accommodation. The Colorado Springs, Colorado (1954) Zoning Ordinance requires 2,000 square feet of lot area per motel unit. Other ordinances have established minimum requirements for the total area of the motel site. The Zoning

Ordinance of Marietta, Georgia (1951) is an example.

It requires a lot area based on the number of units in the motel but requires a total site area of at least 160,000 square feet.

Generous set backs from streets and adjoining property lines will greatly assist in the insulation of residences and other uses from possible adverse effects of adjoining motels. The Winston-Salem, North Carolina (1949) Zoning Ordinance requires a set back of at least 100 feet from all property lines when the motel is located in an agricultural district. Another provision is found in the Marietta, Georgia (1951) Zoning Ordinance, which requires a minimum front yard of 120 feet from the centerline of the frontage street in any district where motels are permitted.

#### Minimum Distance from the Nearest Residence District Boundary Line

A minimum distance requirement may be included in the zoning ordinance to separate motels from residence districts. The Winston-Salem, North Carolina (1949) Zoning Ordinance requires a 1,000 foot separation between the boundaries of motels located in the agricultural district and the nearest residential district boundary.

#### Parking Requirements

The Zoning Ordinance of Los Angeles, California

(1952) requires one off-street parking space for each individual sleeping or living unit. A similar requirement is found in the DeKalb County, Georgia (1959) Zoning Ordinance. Such a requirement is also recommended by the Eno Foundation for Highway Control.<sup>41</sup>

### Motor Truck Terminals

Opinions differ as to whether truck terminals should be located in the heart of the city or on its periphery. However, certain fundamental principles with respect to location requirements are evident.

First, the interests of the community as a whole should be respected. The terminal should be located in such a position that it can take maximum advantage of existing and proposed traffic arteries.

Second, the terminal should be within reasonable proximity to its prime destinations and convenient to other truck terminals. ASPO reports that the central business district is not a prime location for truck terminals.<sup>42</sup> It accounts for less than 10 per cent of the total freight handled in many cities. The principle customers of common carrier trucking companies are wholesaling and light manufacturing districts.

Advocates of close-in locations stress the importance of the traffic originating in or destined for the centrally located wholesaling and light manufacturing districts. On

the other hand, De Leuw Cather & Company, in its recommendations for Milwaukee (1949) urged an outlying location for terminals so that the process of transfer between local and over-the-road trucks would take place in uncongested areas.<sup>43</sup> It is significant that in an earlier report (1946) De Leuw Cather had recommended a central location for terminals in Atlanta.<sup>44</sup> Of course, many outlying locations are utilized because sites of adequate size are not economically available in the central areas.

#### Zoning Districts in Which Motor Truck Terminals Are Permitted

Industrial districts.--Motor truck terminals are normally permitted only in industrial districts. The Providence, Rhode Island (1950) Zoning Ordinance, for instance, permits truck terminals in the "E-1" Industrial District, as does the San Francisco, California (1950) Ordinance; the Norfolk, Virginia (1950) Ordinance, and others.

Special districts.--In an extensive study of the problems of motor truck terminals in Chicago, the Mayor's Committee on Motor Truck Terminals recommended that truck terminals be concentrated in four strategic areas, each large enough to accommodate 75 to 100 truck terminals of average size. The terminal areas would be interconnected by expressways

and would have easy access to Federal and State Highways, as well as any proposed superhighways. They would be two miles apart, and each area would be relatively self contained to include all essential facilities such as restaurants, service and repair shops, administration and first aid, hotels, community center, and ample parking space for trucks and other equipment. As a result of this plan, a "Motor Freight Terminal Use District" was established in Chicago by an amendment to the zoning ordinance. Permitted uses are:

1. Hotel or lodging house;
2. Barber shop, beauty parlor, massage or similar personal services shop; office; pharmacy; restaurant; retail store; club; union headquarters; trade association rooms, or recreation centers for truckers and employees connected with motor freight terminals and for employees of uses permitted in motor freight terminal districts; Taverns or retail sale of alcoholic liquors;
3. Truck garage, parking lot, truck lot, new and used truck sales, motor truck service and repair shop;
4. Motor freight terminal, railroad and water freight terminal; and warehouses;

5. Parcel delivery station; local cartage service and garage; public garage;
6. Bank;
7. Filling station where storage of flammable liquids or oils in excess of 200 gallons is confined to underground tanks, each of 4,000 gallons or less capacity.
8. Signs other than billboards;
9. Private way for access and ingress to uses permitted in a motor freight terminal district;
10. Auxiliary uses.<sup>45</sup>

Minimum Distance from the Nearest Residence District  
Boundary Line

Truck terminals are noisy and fumes from large diesel engines may be irritating to nearby residents. Some terminals operate throughout the night, creating glare. For this reason certain other zoning restrictions may be appropriately recommended for the protection of surrounding residence districts.

In the Zoning Ordinance of Providence, Rhode Island (1955) motor truck terminals are permitted in the "M-1" General Industrial Zone provided they are not within 150 feet of any "R" (residence) zone boundary line. A similar provision in the San Francisco, California (1950) zoning ordinance requires 200 feet separation.

### Parking Requirements

Off-street parking is needed for automobiles of employees and visitors of the truck terminal. In most of the zoning ordinances, truck terminals were classified under the general heading of "industrial" activities, which were required to have one off-street parking space for each four (4) employees on the largest working shift, plus additional space for each company vehicle operating from the premises.

### Quarries and Strip Mines

The zoning ordinance may establish the proper zoning district or districts where quarries and strip mines are permitted. The zoning ordinance may also establish appropriate regulations governing fencing, noise, and rehabilitation of sites.

### Zoning Districts in Which Quarries and Strip Mines Are Permitted

Industrial districts.--The sites of quarrying or strip mining operations, when mentioned in the zoning ordinance, were usually zoned for industry.

Commercial districts.--In certain cases quarries and strip mines were permitted in commercial districts if no rock crushing, cement mixing, grinding, polishing,



cutting or other processes for treating extracted products were carried on within the site. The zoning ordinances of Durham, North Carolina (1951), Elmira, New York (1947) and Grand Prairie, Texas (1950) contain provisions of this type.

#### Screening Requirements

Fencing is often a necessary safety requirement where open pit excavations are concerned. The zoning ordinance frequently contains appropriate fencing requirements, although it is optional as to whether such requirements go into the zoning ordinance or into special ordinances regulating the operation of quarries and strip mines. The Dade County, Florida (1950) Zoning Ordinance states that "there shall be a substantial fence with suitable gates completely enclosing the property in which the excavation is located, and located at all points fifty (50) feet or more distant from the edges of the excavation". The St. Paul, Minnesota (1955) Zoning Ordinance and the Aurora, New York (1950) Zoning Ordinance have similar provisions.

#### Other Requirements

Noise.--Noise produced by quarrying and mining machinery is often vexing to surrounding residences and other uses. In an attempt to deal with this problem, the Zoning Ordinance of Salt Lake County, Utah (1954) requires that

processing equipment in quarries and strip mines be electrically operated rather than gasoline or diesel operated where such quarries and strip mines are adjacent to residence districts.

Restoration of site.--Rehabilitation of terrain is necessary after the completion of quarrying operations. Without recontouring and relandscaping, the abandoned quarry site or strip mine cuts may greatly mar the beauty of the countryside. The Zoning Ordinances of Salt Lake County, Utah (1954), Prince George's County, Maryland (1949) and others require rehabilitation work on abandoned quarries and strip mines. The Zoning Ordinance of the Borough of Old Tappan, New Jersey (1947) further requires that "top soil at least six inches thick shall be applied after recontouring".

#### Rooming Houses

The zoning ordinance may be used to establish the zoning district or districts where rooming houses may be permitted, special lot area requirements, special yard requirements, and parking requirements.

What is a Rooming House?

Difference of opinion exist as to what constitutes a rooming house. Generally speaking, any residence may

have up to three (3) lodgers other than the resident family as a normal accessory use without the necessity of it being considered a rooming house. The zoning ordinance of Darien, Connecticut (1957) allows the "keeping of not more than 3 non-transient roomers" in all residence districts. There are numerous exceptions to this, however. The Freeport, New York (1956) zoning ordinance allows only one. The Tucson, Arizona (1956) zoning ordinance and the Seattle, Washington (1957) zoning ordinance allow two. The zoning ordinances of Kansas City, Missouri (1954) and Fullerton, California (1957) allow four. The zoning ordinance of Azusa, California (1949) allows eight.

The dividing line between a rooming house and a hotel or apartment hotel is likewise controversial. The Cleveland Heights, Ohio (1950) zoning ordinance places a maximum limit of 15 roomers or lodgers which a structure may have and still be considered a rooming house. In Cleveland Heights, institutions having more than 15 lodgers are not considered rooming houses but apartment hotels or hotels. The Kansas City, Missouri (1954) zoning ordinance allows up to 12 lodgers in a rooming house. The zoning ordinance of Los Angeles, California (1952) and Albuquerque, New Mexico (1953) allow only 5 lodgers.

Another criteria used to differentiate rooming houses from apartment hotels and hotels is the extent of transiency.

The Cleveland Heights zoning ordinance considers an institution an apartment hotel or hotel if it rents rooms for periods of less than one week.

#### Zoning Districts in Which Rooming Houses Are Permitted

Multi-family districts.--As can be seen from the foregoing discussion, the proper treatment for rooming houses in the zoning ordinance will depend to a great extent on what the community considers them to be. For rooming houses having from 3 to 15 non-transient lodgers or roomers, however, the most popular zoning district was the multi-family districts.

Two family districts.--Exceptions exist to the general rule that rooming houses are allowed in multi-family zoning districts. The Champaign, Illinois (1950) zoning ordinance allows rooming houses in two-family residential districts, as also do the Easton, Pennsylvania (1952) and the Evansville, Indiana (1951) zoning ordinances.

Commercial districts.--The zoning ordinance of the Borough of Madison, Connecticut (1949) was the only ordinance which excluded rooming houses from all residence districts. Presumably they could go into commercial districts.

#### Special Lot Area and Yard Requirements

A common shortcoming in many zoning ordinances is

failure to specify special lot area requirements for rooming houses. Rooming houses need extra land for parking and to ease friction with surrounding residences. The Los Angeles, California (1952) zoning ordinance requires 500 feet of lot area for each lodger or roomer. The Chicago, Illinois (1957) zoning ordinance requires half of the lot area for each lodging room that it requires for a dwelling unit in all of its multi-family dwelling districts.

Greater side yards are sometimes required for rooming houses than for other types of residences in order to provide adequate protection to surrounding residences. The Winnipeg, Canada (1950) zoning ordinance requires a side yard equal to 3 times the width of the required side yard for the district in which the rooming house is located. The Tacoma, Washington (1950) zoning ordinance, specifies a minimum side yard of 20 feet.

#### Parking Requirements

Parking requirements for rooming houses are varied. The Chicago, Illinois (1957) zoning ordinance requires one off street parking space for each four lodging rooms in the structure; although the Modesto, California (1957) zoning ordinance requires one space for each 2 lodging rooms. The Denver, Colorado (1955) zoning ordinance requires a total parking area equal to half the gross floor area of the structure. The Milwaukee, Wisconsin

(1950) zoning ordinance requires one off street parking space for each 200 square feet of gross floor area of sleeping rooms. The Highway Research Board recommends one space for each 5 guest rooms in the structure plus one space for the manager if needed.<sup>46</sup>

### Trailer Courts

The zoning ordinance may prohibit individual trailers (or mobile homes) from being used except in mobile home parks and establish location standards for such parks. It may do this in two ways: (1) allow the establishment of a mobile home park in a specified zone or zones under a special exception; and (2) allow the mobile home park as a permitted use in a specific zone or zones provided certain location standards are met.

The special exception technique has serious limitations when applied to mobile home parks. The often antagonistic attitude of governmental authorities to mobile homes and mobile home parks has resulted in the establishment by boards of appeal of conditions that are unreasonable and arbitrary. The demands are frequently so high that the operator must abandon the project or go to court. In many cases if the operator went to court he could probably secure an order requiring the grant of a special exception, but the time and expense involved might not be worth the trouble.

### Zoning Districts in Which Trailer Courts Are Permitted

Assuming that mobile home parks or trailer courts are to be allowed as a permitted use, the next question arises--in what zone or zones shall they be allowed and what location standards shall be required in these zones?

First of all, the business of manufacturing or selling trailers must be distinguished from the operation of a trailer court, although all are commercial enterprises.

A trailer manufacturing activity would, of course, belong in an industrial zone. The operation of a trailer sales agency belongs in a commercial district along with other retail sales activities. The trailer park is a residential use and may be properly located in a multiple family dwelling district.

In discussing zoning districts for trailers the subject of excluding them entirely from any part of the city may emerge. The courts have generally frowned on such a procedure. Prohibition of trailer parks for living purposes anywhere within the township was declared invalid in Commonwealth v Amos, 44 Pa D & C 125 (1941). Similar decisions were handed down in Gust v Township, 342 Mich 436 70 NW 2d (1955) and Conner v West Bloomfield Township 207 F 2d 482 (C A 6, 1953). Generally speaking the position held by the courts is that trailer parks have no potential hazards to the community sufficient to warrant expulsion from the community.

Multiple family districts.--In which zone or zones should trailer parks be permitted? This is not an easy question to answer since communities vary widely in the character of their residential needs and preferences. In all cases, however, trailer parks should not be allowed in industrial or commercial districts, since they are residential uses. In very few instances will the trailer park be compatible with single family and two family residence zone's. This means that the place for trailer parks is usually one or more of the multiple family zones.

Agricultural districts.--Many occupants of trailers prefer to place them on individual lots rather than in a trailer court. This of course cannot be allowed in urban or urbanizing areas, but in many situations they may be so located in an agricultural district. Bair recommends that trailers be allowed on individual lots in agricultural districts provided:

1. Health, sanitary, and other appropriate regulations are strictly complied with;
2. The trailer is on a lot of at least 10,000 square feet and with a minimum 100 feet frontage on a public road;
3. The trailer occupant agrees that if the area is rezoned "residential" he will remove the trailer within 90 days after the rezoning.<sup>47</sup>



Special districts.--One approach to the problem of providing a proper zone for trailer parks has been to create a specifically designated "trailer court district" or "mobile home park zone". These zones are usually established when an applicant comes in with a request for the use of a particular location as a trailer park. Such procedures should be discouraged, if it constitutes "spot zoning". "Spot zoning" has been universally found invalid by the courts.<sup>48</sup> The charge of "spot zoning" may be avoided if trailer park zones are designated prior to any specific request.

#### Limitations on Accessory Uses

Some uses of a commercial nature may, however, be a necessary adjunct to the operation of a trailer park, such as swimming pools, restaurants, and retail grocery stores. These auxiliary commercial uses may be allowed wherever trailer parks are allowed provided they actually are an integral part of the trailer park and occupy only a small fraction of the park site. One study of this problem recommends that the mobile home park be designed so that a portion of the site extends into an adjacent highway commercial district, where such auxiliary commercial uses can be located.<sup>49</sup>

#### Special Lot Area and Yard Requirements

If standards for health, safety, minimum housing, building and other matters are set out in the appropriate

codes, it should not be necessary to include extensive regulation measures in the zoning ordinance. However, there should be some form of minimum site area requirement.

A site which is too small will result in marginal developments with crowded individual lots and otherwise poor development. The value of adjacent properties will be depressed and health and safety hazards may develop. On the other hand, sites which are too large will be prohibitive from a cost standpoint and may "freeze out" the trailer park altogether.

The minimum desirable trailer lot size has been recommended as 1500 to 3000 square feet. Fogerty states that parks "should provide at least 3000 square feet per trailer space" in order to insure adequate play and recreation areas.<sup>50</sup> On the other hand, the suggested model ordinance regulating trailer parks prepared by the Mobile Homes Manufacturing Association recommends 1500 square feet minimum with a minimum width of 30 feet.<sup>51</sup> A 15 foot minimum clearance between trailers and a 10 foot end-to-end clearance is required in the M. H. M. A. Ordinance. Another approach would be to specify the maximum number of trailer spaces per acre, as is done in a design by George Maramoto, Consulting Architect for the Mobile Homes Manufacturing Association. His design provides 10.2 spaces per gross acre.<sup>52</sup>

Minimum recommended site acreage varies between 8 and 10 acres. Where land in the community is at a premium and residential densities are high, there may be a condition under which five acres would be reasonable.<sup>53</sup>

#### Screening Requirements

Although not specifically required by any of the zoning ordinances reviewed, the trailer park should be buffered for the benefit of residents in close proximity to the park.<sup>54</sup> Proper use of buffer strips will do much to minimize any detrimental effects of a trailer park upon surrounding residential properties.

#### Parking Requirements

Each trailer space should have at least one off-street parking space. Such a requirement is recommended by the Eno Foundation for Highway Control.<sup>55</sup>

#### Waterfront Recreation Developments

The zoning ordinance may be used to establish the proper zoning district or districts where appropriate waterfront recreation activities may be permitted and establish minimum site area requirements for uses in waterfront recreation areas.

#### Zoning Districts in Which Waterfront Recreation Developments Are Permitted

Commercial recreation districts.--Many waterfront recreation developments, since they contain uses not easily regulated by conventional zoning districts, are best located in special districts. The Vilas County, Wisconsin (1948) zoning ordinance establishes a "Commercial Recreation District" in which are permitted a variety of recreational uses necessary to service the recreation industry of the area. Such uses include family dwellings, filling stations, garages, machine shops, restaurants, taverns, commercial stores, dance halls, theaters, and other establishments servicing the recreation industry. The University of Wisconsin Extension Service recommends that commercial recreation districts be established at a distance back from the valuable lakes and streams.<sup>56</sup> The Tennessee State Planning Commission in its plan for the Development of Reelfoot Lake recommends that, instead of a single commercial district to serve the recreation area, three commercial districts should be established according to their respective needs for lake or water frontage.

1. A "Lake-front commercial" district for commercial uses that require waterfront sites such as marinas and fishing piers.
2. A "Lake-oriented commercial" district for commercial uses that are directly oriented to the lake but that do not require lake-front sites.

3. A "General commercial" district for other businesses associated with recreation development.<sup>57</sup>

Recreational district.--The zoning ordinance of Chelan County, Washington (1948) establishes a "recreation district" in which the following uses are permitted:

1. Public and private parks, playgrounds, camp grounds, and golf courses;
2. Public and private recreational camps and resorts;
3. Hunting and fishing cabins;
4. Private summer cottages and service buildings;
5. Family dwellings for caretakers of resort properties, who give year round protection.

Restricted recreation districts.--The University of Wisconsin Extension Service recommends special or restricted districts for the following uses.<sup>58</sup>

1. Restricted recreational use districts along lakes and streams for private summer homes, hotel resorts and clubs.
2. Special recreation districts for youth camps.  
A special district is proposed for youth camps to give them the quietness and forest atmosphere they need and avoid the strong objections voiced to having youth camps in areas with private residences and summer homes.

Shoreline districts.--A special purpose zoning district has been developed in the Huntington Beach, California (1946) zoning ordinance for the control of trailer courts in shoreline recreation areas. The "S-1" shoreline district permits the following uses: "Public recreation and public facilities therefor, including a public trailer camp and publicly controlled concessions in or on existing public buildings or structures or in said trailer camp, but no other uses."

Resort districts.--In certain specialized cases, it may be desirable to allow summer homes and cabins which do not front upon a street or road. To accomplish this purpose, the zoning ordinance of Hamilton County, Ohio (1949) establishes a "resort district" which allows the following uses:

1. Summer homes and cabins which need not front upon a street.
2. Bathing beaches and bath houses.
3. Boat docks.
4. Retail selling and leasing of fishing equipment and bait.
5. Accessory buildings and uses customarily incident to any of the above uses, including the sale of food and refreshments.

Residence-waterfront district.--Residence-waterfront developments are in many respects identical to ordinary residence districts except that a substantial number of the homes abut on a water-way and houseboat residences and yacht club are permitted in the district. The Seattle, Washington (1957) zoning ordinance establishes a "R-W" Residence-waterfront district, with the following permitted uses:

1. Residences.
2. Buildings and facilities for yacht and boat clubs.
3. Houseboats, subject to the following conditions:
  - a. The minimum lot area shall be two thousand (2,000) square feet of water surface;
  - b. Minimum distance between side and ends of adjacent houseboats is 10 feet;
  - c. "At least one side of each houseboat shall abut upon open water at least forty (40) feet wide and open continuously to navigable waters."
  - d. For each houseboat there shall be provided one off-street parking space within a distance of six hundred (600) feet.

Amusement-marine districts.--Amusement activities connected with recreational developments may be placed in a special

district. The zoning ordinance of Santa Monica, California (1950), in the "C-3" Amusement Marine district, provides for:

1. Commercial amusements such as chute the chutes, ferris wheel, giant swing, merry-go-round, skating rink, etc.
2. Exhibitions or games such as ball, knife, ring or dart throwing, shooting gallery, penny arcade, zoo, etc.
3. Boat landings and wharves.
4. Boxing arenas.
5. Fishing supplies, live or fresh bait.
6. Marine service stations.
7. Motordrome.
8. Bathhouse or plunge.
9. Other uses similar to the above which are determined to be of an amusement-marine character.

#### Special Yard Requirements

To minimize possible adverse effects of commercial activities when they are located in residential waterfront recreation areas, the following site area requirements have been recommended for commercial facilities.<sup>59</sup>

1. The commercial activity must own or control 1,000 feet of continuous shoreline.



2. If the commercial activity is on a tributary or in a cove, land on both sides of the cove or tributary must be included in the site unless the cove or tributary is more than 500 feet across. If it is more than 500 feet across, the commercial activity must own 1,000 feet along one side of the cove.
3. The commercial activity must have 100 foot side yards between any permanent or floating structure and the side property line.
4. Adequate parking must be provided.

## FOOTNOTES

## CHAPTER III

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<sup>29</sup>Funeral Homes, American Society of Planning Officials, Planning Advisory Service Information Report No. 19, June, 1950, p. 19.

<sup>30</sup>Eno Foundation, op. cit., p. 121.

<sup>31</sup>The Regulation of Filling Stations, American Society of Planning Officials, Planning Advisory Service Information Report No. 67, October, 1954, p. 18.

<sup>32</sup>Doyle, Robert H., Planned Medical Districts, Thesis (M. C. P.) Georgia Institute of Technology, 1959, p. 29.

<sup>33</sup>Zone Location for Hospitals and Other Medical Facilities, American Society of Planning Officials, Planning Advisory Service Information Report No. 50, May, 1953, p. 17.

<sup>34</sup>Doyle, op. cit., p. 41.

<sup>35</sup>Eno Foundation, op. cit., p. 121.

<sup>36</sup>Ibid., p. 120.

<sup>37</sup>Ibid., p. 122.

<sup>38</sup>Ibid., p. 120.

<sup>39</sup>Ibid., p. 122.

<sup>40</sup>Agricultural Labor Camps, The President's Committee on Migratory Labor, U. S. Department of Labor, Washington, D. C., May, 1956, p. 7.

- <sup>41</sup>Eno Foundation, op. cit., p. 120.
- <sup>42</sup>Motor Truck Terminals, American Society of Planning Officials, Planning Advisory Service Information Report No. 21, December, 1950, p. 10.
- <sup>43</sup>Ibid., p. 10.
- <sup>44</sup>Ibid., p. 10.
- <sup>45</sup>Ibid., p. 19.
- <sup>46</sup>Zoning for Parking Facilities, Highway Research Board, Bulletin No. 24, 1955, p. 12.
- <sup>47</sup>Bartley, E. R. and Bair, F. H., Mobile Home Parks and Comprehensive Community Planning, University of Florida, Public Administration Clearing Service, Studies in Public Administration No. 19, 1960, p. 100.
- <sup>48</sup>Ibid., p. 93.
- <sup>49</sup>Ibid., p. 96.
- <sup>50</sup>Fogarty, F., "Trailer Parks: The Wheeled Suburbs", Architectural Forum, July, 1959, p. 130.
- <sup>51</sup>Suggested Model Ordinance Regulating Mobile Home Parks, Mobile Homes Manufacturing Association, Chicago, January, 1956.
- <sup>52</sup>Bartley and Bair, op. cit., p. 137.
- <sup>53</sup>Ibid., p. 84.
- <sup>54</sup>Ibid., p. 86.
- <sup>55</sup>Eno Foundation, op. cit., p. 120.
- <sup>56</sup>How to Make Rural Zoning Ordinances More Effective, University of Wisconsin Extension Service, Madison, Wisconsin, 1957, p. 14.
- <sup>57</sup>Waterfronts: Planning for Resort and Residential Uses, American Society of Planning Officials, Planning Advisory Service Information Report No. 118, January, 1959, p. 18.
- <sup>58</sup>University of Wisconsin Extension Service, op. cit., p. 15.

59. Waterfronts: Planning for Resort and Residential  
Uses, American Society of Planning Officials, Planning  
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## CHAPTER IV

### RECOMMENDED ZONING PROVISIONS FOR THE CONTROL OF PROBLEM USES

The previous chapter showed how various controls are being developed for the regulation of problem uses. Although many effective controls have been instituted, most zoning ordinances have not as yet utilized all of them. The purpose of this chapter, therefore, will be to outline in rough form the total range of controls readily available at the present time. These controls encompass, with varying degrees of utility, ten general fields in which regulatory measures can be developed.

1. Location of problem uses in proper zoning districts.
2. Formulation of special zoning districts.
3. Control of accessory or auxiliary uses.
4. Special lot area, yard, or setback requirements.
5. Limitations on minimum distance to residential districts, places of public assembly, and identical or similar uses.
6. Screening requirements.
7. Access requirements.
8. Lighting requirements.
9. Parking requirements.
10. Other requirements.

As a means of summarizing the potential zoning controls, sample zoning ordinance provisions were developed for a typical zoning ordinance. These provisions are presented in the following pages as if they were actually a part of a zoning ordinance. Of course, these provisions are not recommended for use in every situation, but are drawn for illustrative purposes only.

#### Automotive Salvage Yards

##### Zoning Districts in Which Automotive Salvage Yards Are Permitted

"Heavy" industrial districts.--Automotive salvage yards shall be permitted in heavy industrial districts.

"Light" industrial districts.--Automotive salvage yards shall be permitted in light industrial districts provided no crushing, smashing, baling or reduction of metal is performed on the premises, and automobiles are immediately dismantled on the site and no complete automobiles are stored on the premises.

##### Special Lot Area and Yard Requirements

Special lot area requirements.--The minimum building site area for automotive salvage yards shall be two (2) acres in heavy industrial districts and five (5) acres in light industrial districts.

Special yard requirements.--No building of any automotive salvage yard shall be closer than one hundred (100) feet to the property line in the heavy industrial district or closer than two hundred (200) feet to the property line in the light industrial district.

#### Minimum Distance Requirements

Minimum distance from the nearest residence district boundary line.--No building of any automotive salvage yard shall be constructed closer than one thousand (1,000) feet to any residence district boundary line.

Minimum distance from the nearest place of public assembly.--No building of any automotive salvage yard shall be constructed closer than two hundred (200) feet to any place of public assembly.

Minimum distance from the nearest identical or similar use.--No building of any automotive salvage yard shall be constructed closer than two thousand five hundred (2,500) feet to any existing automobile salvage yard.

#### Access Requirements

Driveways.--Driveways of automotive salvage yards shall be paved. The minimum distance from driveways to the nearest intersection shall be forty (40) feet. No driveway shall be constructed closer than six (6) feet to the



property line or closer than six (6) feet to any fire hydrant or catch basin.

Curb cuts.--No automotive salvage yard shall make a curb cut of more than forty (40) feet.

Access through specified zoning districts.--No drive-ways or access drives for automotive salvage yards shall be constructed through any part of a residence district.

#### Lighting Requirements

Lighting used to illuminate automotive salvage yards shall be arranged so as to reflect light away from surrounding properties.

#### Parking Requirements

At least one (1) off street parking space shall be provided for each four (4) employees plus one (1) off street parking space for each vehicle used in the conduct of operations related to the premises. One (1) off street loading space shall be provided for each forty thousand (40,000) square feet or fraction thereof of gross floor area in the premises.

#### Other Requirements

Control of noise.--Automotive salvage yards shall be so operated as to comply with requirements governing noise contained in table 2.

Table 2. Performance Standards Governing Noise:  
Automotive Salvage Yards

Octave Bands in Cycles Per Second	Along the Nearest Residence District Boundary Line Between 8 AM and 6 PM*
0 - 75	72
76 - 150	67
151 - 300	59
301 - 600	52
601 - 1200	46
1201 - 2400	40
2401 - 4800	34
over 4800	32

\*Permissible sound level between 6 PM and 8 AM shall be decreased by three (3) decibels in each of the above octave bands.

Control of vibration.--Automotive salvage yards shall be so operated that ground vibration is not readily perceptible along the nearest residence district boundary line.

#### Bowling Alleys

Zoning Districts in Which Bowling Alleys Are Permitted

Commercial districts.--Bowling alleys shall be permitted in commercial districts.

Minimum Distance Requirements

Minimum distance from the nearest residence district boundary line.--No bowling alley shall be constructed closer than two hundred (200) feet to any residence district boundary line.

Minimum distance from the nearest place of public assembly.--No bowling alley shall be constructed closer than three hundred (300) feet to any place of public assembly.

#### Access Requirements

Driveways.--Driveways and parking areas of bowling alleys shall be paved. The minimum distance from driveways to the nearest intersection shall be thirty (30) feet. No driveway shall be located closer than three (3) feet to the property line or closer than three (3) feet to any fire hydrant or catch basin.

Curb cuts.--No bowling alley shall make a curb cut of more than thirty (30) feet.

Access through specified zoning districts.--No driveway or access drive for any bowling alley shall be constructed through any part of a residence district.

#### Parking Requirements

At least seven (7) off street parking spaces shall

be provided for each bowling lane.

### Churches

#### Zoning Districts in Which Churches Are Permitted

Commercial districts.--Churches shall be permitted in commercial districts.

Institutional districts.--Churches shall be permitted in institutional districts.

Residence districts.--Churches shall be permitted in residential districts where such churches have a membership of less than four hundred (400) members.

#### Special Lot Area and Yard Requirements

Special lot area requirements.--The minimum building site area for churches shall be:

1. In Residential districts:  $\frac{1}{2}$  acres
2. In Institutional districts:
  - a. for churches with memberships of 400 or less: 1 acre
  - b. for churches with memberships of 400 to 600: 2 acres
  - c. for churches with memberships of 601 to 1200: 3 acres
  - d. for churches with memberships of over 1201: 4 acres

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For each resident of any convent, dormitory or other residence on the church premises, an additional one thousand five hundred (1,500) square feet of lot area will be required.

Special yard requirements.--In residence districts no part of any building of any church shall be closer than the following distances.

1. For churches with memberships of 400 or less:  
50 feet to any property line.
2. For churches with memberships of 401 to 800:  
75 feet to any property line.
3. For churches with memberships of 801 to 1200:  
100 feet to any property line.
4. For churches with memberships of over 1200:  
125 feet to any property line.

#### Screening Requirements

In residence districts a solid wall at least six (6) feet in height, compact evergreen screen or uniformly painted board fence at least six (6) feet in height shall be established and maintained in good condition along the property line of churches. Said wall, hedge or fence shall be at least ten (10) feet from the property line and the space between such fence, hedge or wall and the lot lines of adjoining properties shall be landscaped

with trees, hardy shrubs and evergreen ground cover and maintained in good condition.

#### Access Requirements

Driveways.--Driveways of churches shall be paved. The minimum distance from driveways to the nearest intersection shall be thirty (30) feet. No driveway shall be constructed closer than three (3) feet to the property line or closer than three (3) feet to any fire hydrant or catch basin.

Curb cuts.--No church shall make a curb cut of more than thirty (30) feet.

#### Parking Requirements

One (1) off street parking space shall be provided for each five (5) seats in the main church auditorium, plus one (1) off street parking space for each residential dwelling unit on the premises, plus one (1) off street parking space for each five (5) beds in any dormitory, hospital, or convent located on the church premises.

#### Commercial Parking Garages and Lots

Zoning Districts in Which Commercial Parking Garages and Lots Are Permitted

Commercial districts.--Commercial parking garages and lots

shall be permitted in commercial districts.

Industrial districts.--Commercial parking garages and lots shall be permitted in industrial districts.

Parking districts.--Commercial parking garages and lots shall be permitted in parking districts.

#### Limitations on Accessory Uses

In parking districts no use shall be permitted other than the parking of automobiles.

#### Minimum Distance Requirements

Minimum distance from the nearest residence district boundary line.--No commercial parking garage or lot shall be constructed closer than fifty (50) feet to any residence district unless screening requirements set forth in this ordinance for commercial parking garages and lots are met.

#### Screening Requirements

Commercial parking garages and lots constructed closer than fifty (50) feet to any residence district shall have, maintained in good condition, a solid wall at least six (6) feet in height, compact evergreen screen or uniformly painted board fence at least six (6) feet in height along side and rear property lines. Such wall,

hedge or fence shall be at least ten (10) feet from the property line and the space between such wall, hedge or fence and the property line shall be landscaped with trees, hardy shrubs and evergreen ground cover and maintained in good condition.

#### Access Requirements

Driveways.--Driveways of commercial parking garages and lots shall be paved. The minimum distance from driveways to the nearest intersection shall be thirty (30) feet. No driveway shall be constructed closer than three (3) feet to the property line or closer than three (3) feet to any fire hydrant or catch basin.

Curb cuts.--No commercial parking garage or lot shall make a curb cut of more than thirty (30) feet.

Access through specified zoning districts.--No driveway or access road for commercial parking garages or lots shall be constructed through any part of a residence district.

#### Lighting Requirements

Commercial parking garages and lots operating at night within three hundred (300) feet of any residence district shall be lighted so as to reflect light away from the residence district.



## Day Nurseries

### Zoning Districts in Which Day Nurseries Are Permitted

Residence districts.--Day nurseries caring for less than twenty-five (25) children shall be permitted in residence districts.

Commercial districts.--Day nurseries caring for more than twenty-five (25) children shall be permitted in commercial districts.

### Special Lot Area and Yard Requirements

Special lot area requirements.--Day nurseries caring for more than five (5) children shall provide at least one hundred (100) square feet of outdoor play space for each child.

Special yard requirements.--In residence districts day nurseries caring for more than five (5) children shall have side yards of at least fifty (50) feet.

### Screening Requirements

Day nurseries caring for more than five (5) children in residence districts shall have, maintained in good condition, a solid wall at least six (6) feet in height, compact evergreen screen or uniformly painted board fence at least six (6) feet in height along side

and rear property lines. Said wall, hedge or fence shall be at least ten (10) feet from the property line and the space between such wall, hedge or fence and the property line shall be landscaped with trees, hardy shrubs and evergreen ground cover.

#### Access Requirements

Driveways.--Driveways and parking areas of day nurseries caring for more than five (5) children shall be paved.

#### Parking Requirements

At least one (1) off street parking space shall be provided for each five (5) children plus one (1) off street parking space for the owner or manager.

#### Drive-in Theaters

##### Zoning Districts in Which Drive-in Theaters Are Permitted

Commercial districts.--Drive-in theaters shall be permitted in commercial districts.

Industrial districts.--Drive-in theaters shall be permitted in industrial districts.

#### Special Lot Area and Yard Requirements

Special lot area requirements.--The minimum building site area for drive-in theaters shall be ten (10) acres.

Special yard requirements.--No building of any drive-in theater shall be constructed closer than fifty (50) feet to the property line.

#### Minimum Distance Requirements

Minimum distance from the nearest residence district boundary line.--No building of any drive-in theater shall be constructed closer than one thousand (1,000) feet to any residence district boundary line unless screening requirements set forth in this ordinance for drive-in theaters are met.

Minimum distance from the nearest place of public assembly.--No building of any drive-in theater shall be constructed closer than two thousand five hundred (2,500) feet to any existing drive-in theater.

#### Screening Requirements

Drive-in theaters constructed closer than one thousand (1,000) feet to any residence district shall have, maintained in good condition, a solid wall at least six (6) feet in height, compact evergreen screen or uniformly painted board fence at least six (6) feet in height along side and rear property lines. The space between such wall, hedge or fence and the property line shall be landscaped with trees, hardy shrubs and evergreen ground cover and maintained in good condition.

## Access Requirements

Driveways.--Driveways of drive-in theaters shall be paved. The minimum distance from driveways of drive-in theaters to the nearest intersection shall be thirty (30) feet. No driveway shall be constructed closer than three (3) feet to the property line or closer than three (3) feet to any fire hydrant or catch basin.

Curb cuts.--No drive-in theater shall make a curb cut of more than thirty (30) feet.

## Lighting Requirements

All lighting used to illuminate drive-in theaters within three hundred (300) feet of any residence district shall be arranged so as to reflect away from the residence districts boundary lines.

## Other Requirements

Vehicle storage.--Driveways leading to ticket gates shall have a combined length sufficient to accommodate one third ( $1/3$ ) of the capacity of the drive-in theater.

Placing of theater screens.--Theater screens facing any street shall be constructed at least two thousand (2,000) feet from the street.\*

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\*Does not apply when theater screen backs up to street.

## Funeral Homes

### Zoning Districts in Which Funeral Homes Are Permitted

Commercial districts.--Funeral homes shall be permitted in commercial districts.

Institutional districts.--Funeral homes shall be permitted in institutional districts.

### Special Lot Area and Yard Requirements

Special lot area requirements.--The minimum site area for funeral homes shall be three (3) acres.

Special yard requirements.--No building of any funeral home shall be constructed closer than one hundred (100) feet to the property line unless screening requirements set forth in this ordinance for funeral homes are met.

### Minimum Distance Requirements

Minimum distance from the nearest residence district boundary line.--No building of any funeral home shall be constructed closer than three hundred (300) feet to any residence district boundary line unless screening requirements set forth in this ordinance for funeral homes are met.

Minimum distance from the nearest place of public assembly.--No building of any funeral home shall be

constructed closer than three hundred (300) feet to any place of public assembly.

Minimum distance from the nearest identical or similar use.--No building of any funeral home shall be constructed closer than two thousand five hundred (2,500) feet to any existing funeral home.

#### Screening Requirements

Funeral homes constructed within one hundred (100) feet of the property line or within three hundred (300) feet of any residence district shall have, maintained in good condition, a solid wall at least six (6) feet in height, compact evergreen screen or uniformly painted board fence at least six (6) feet in height along side and rear property lines. Said wall, hedge or fence shall be at least ten (10) feet from the property line and the space between such wall, hedge or fence and the property line shall be landscaped with trees, hardy shrubs and evergreen ground cover and maintained in good condition.

#### Access Requirements

Driveways.--Driveways and parking areas of funeral homes shall be paved. The minimum distance from driveways to the nearest intersection shall be thirty (30) feet. No driveway shall be located closer than three (3) feet to any fire hydrant or catch basin.

Curb cuts.--No funeral home shall make a curb cut of more than thirty (30) feet.

#### Lighting Requirements

Lighting for funeral homes shall be arranged so as to reflect away from the nearest residence district boundary line within three hundred (300) feet of any building of the funeral home.

#### Parking Requirements

At least one (1) off street parking space shall be provided for each seventy-five (75) square feet of floor area on the premises of each funeral home, except that in no case shall the number of off street parking spaces be less than twenty (20) spaces.

#### Gasoline Filling Stations

Zoning Districts in Which Gasoline Filling Stations Are Permitted

Commercial districts.--Gasoline filling stations shall be permitted in all commercial districts other than the central business district.

Industrial districts.--Gasoline filling stations shall be permitted in industrial districts.

#### Limitations on Accessory Uses

Gasoline filling stations may perform the following services only in industrial districts.

1. Removal of engines and crank cases.
2. Valve grinding.
3. Tire recapping.
4. Auto body work.
5. Installation of wheel bearings.
6. Installation of fuel lines and fuel pumps.
7. Auto painting.
8. Storage of gasoline in excess of 5,000 gallons.

#### Special Lot Area and Setback Requirements

Special lot area requirements.--The minimum building site area for gasoline filling stations shall be:

1. In commercial districts: one half (1/2) acre.
2. In industrial districts: one (1) acre.

Special setback requirements.--Gasoline pumps shall be set back at least fifteen (15) feet from the street right of way line or any dedicated future right of way line.

#### Minimum Distance Requirements

Minimum distance from the nearest residence district boundary line.--No building of any gasoline filling station shall be constructed closer than two hundred (200) feet to any residence district boundary line unless screening



requirements set forth in this ordinance for gasoline filling stations are met.

Minimum distance from the nearest place of public assembly.--

No building of any gasoline filling station shall be constructed closer than two hundred (200) feet from any place of public assembly.

Minimum distance from the nearest identical or similar use.--No building of any gasoline filling station shall be constructed closer than two thousand five hundred (2,500) feet to any existing gasoline filling station.

Screening Requirements

Gasoline filling stations constructed closer than two hundred (200) feet to any residence district shall have, maintained in good condition, a solid wall at least six (6) feet in height, compact evergreen screen or uniformly painted board fence at least six (6) feet in height. Said wall, hedge or fence shall be along side and rear property lines at least ten (10) feet from the property line and the space between such fence, wall or hedge and the property line shall be landscaped with trees, hardy shrubs and evergreen ground cover and maintained in good condition.

Access Requirements

Driveways.--Driveways of gasoline filling stations shall be paved. The minimum distance from driveways to the nearest intersection shall be thirty (30) feet. No driveway shall be constructed closer than three (3) feet to the property line or closer than three (3) feet to any fire hydrant or catch basin.

Curb cuts.--No gasoline filling station shall make a curb cut of more than thirty (30) feet.

#### Lighting Requirements

All lighting used to illuminate gasoline filling stations within three hundred (300) feet of any residence district shall be arranged so as to reflect away from the nearest residence district boundary line.

#### Parking Requirements

Gasoline filling stations shall provide at least one (1) off street parking space for every two (2) gasoline pumps.

#### Other Requirements

Limitation on the number of pumps.--Gasoline filling stations located in the neighborhood shopping district shall be limited to four (4) gasoline pumps.

#### Hospitals

## Zoning Districts in Which Hospitals Are Permitted

Commercial districts.--Hospitals shall be permitted in commercial districts.

Institutional districts.--Hospitals shall be permitted in the institutional district.

Residence districts.--Hospitals containing less than fifty (50) beds shall be permitted in residence districts.

## Special Lot Area and Yard Requirements

Special lot area requirements.--The minimum building site area for hospitals shall be:

1. In agricultural districts: 25 acres.
2. In residence districts: 5 acres.
3. In commercial and institutional districts:  
2 acres.

Special yard requirements.--No part of any building of any hospital shall be closer than:

1. Fifty (50) feet to the property line of any commercial or institutional district.
2. Two hundred (200) feet to the property line in any residence district.
3. Five hundred (500) feet to the property line in any agricultural district.

### Screening Requirements

A solid wall at least six (6) feet in height, compact evergreen screen or uniformly painted board fence at least six (6) feet in height shall be established and maintained along the side and rear property lines of hospitals. Said wall, hedge or fence shall be at least ten (10) feet from the property line and the space between such wall, hedge or fence and the property line shall be landscaped with trees, hardy shrubs and evergreen ground cover and maintained in good condition.

### Access Requirements

Driveways.--Driveways and parking areas shall be paved. The minimum distance from driveways to the nearest intersection shall be thirty (30) feet. No driveway shall be constructed closer than three (3) feet to the property line or closer than three (3) feet to any fire hydrant or catch basin.

Curb cuts.--No hospital shall make a curb cut of more than thirty (30) feet.

### Lighting Requirements

Lighting used to illuminate hospital grounds shall be arranged so as to reflect away from surrounding properties.

### Parking Requirements

At least one (1) off street parking space shall be provided for each three (3) hospital beds, plus one (1) off street parking space for each ten (10) daily outpatients, plus one (1) off street parking space for each staff or visiting doctor, plus one (1) off street parking space for each five (5) beds in any dormitory on the hospital premises. One (1) off street loading space shall be provided for each ambulance or other emergency vehicle plus one (1) off street loading space for each fifty thousand (50,000) square feet of gross floor area on the premises.

### Liquor Outlets\*

#### Zoning Districts in Which Liquor Outlets Are Permitted

Commercial districts.--Liquor outlets shall be permitted in the central business district and in general business districts.

#### Minimum Distance Requirements

Minimum distance from the nearest residence district boundary line.--No liquor outlet shall be located closer

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\*Includes retail package liquor sales stores only, not bars, cocktail lounges, night clubs, and other establishments serving liquor.

than one thousand (1,000) feet to any residence district.

Minimum distance from the nearest place of public assembly.--No liquor outlet shall be located closer than one thousand (1,000) feet to any place of public assembly.

Minimum distance from the nearest identical or similar use.--No liquor outlet shall be located closer than two thousand five hundred (2,500) feet to any existing liquor outlet.

#### Access Requirements

Curb cuts.--No liquor outlet shall make a curb cut of more than thirty (30) feet.

#### Parking Requirements

At least one (1) off street parking space shall be provided by liquor outlets for each one hundred (100) square feet of gross floor area on the premises.

#### Migratory Labor Camps

Zoning Districts in Which Migratory Labor Camps Are Permitted

Agricultural districts.--Migratory labor camps shall be permitted in agricultural districts.

#### Special Lot Area and Setback Requirements

Special lot area requirements.--Migratory labor camps shall have a minimum site area of three (3) acres or five thousand (5,000) square feet of lot area per inhabitant, whichever is greater.

Special setback requirements.--No building of any migratory labor camp shall be located within two hundred (200) feet of any barn, pen or similar quarters for livestock or poultry. No building of any migratory labor camp shall be located within five hundred (500) feet of any water reservoir used for municipal purposes.

#### Minimum Distance Requirements

Minimum distance from the nearest residence district boundary line.--No migratory labor camp shall be located closer than two hundred (200) feet to any residence district.

#### Access Requirements

Driveways.--Driveways and parking areas of migratory labor camps shall be paved.

#### Parking Requirements

At least one (1) off street parking space shall be provided for each dwelling accommodation in migratory labor camps, including temporary dwelling accommodations.

At least one (1) off street parking space shall be provided in migratory labor camps for each five (5) beds in each dormitory.

#### Other Requirements

Reservation of space for recreation purposes.--At least one (1) acre of open space shall be reserved for recreation purposes in each migratory labor camp for each one hundred (100) inhabitants thereof.

#### Motels

##### Zoning Districts in Which Motels Are Permitted

Commercial districts.--Motels shall be permitted in commercial districts.

Multi-family residence districts.--Motels shall be permitted in multi-family residence districts when they are located on an expressway or limited access highway.

Tourist districts.--Motels shall be permitted in the tourist district.

##### Limitations on Accessory Uses

In multi-family residence districts a restaurant, swimming pool, grocery store, tennis court or similar use may be operated in conjunction with a motel provided that all such uses combined occupy no more than five (5) per cent



of the total net lot area of the motel.

#### Special Lot Area and Yard Requirements

Special lot area requirements.--The minimum building site area for motels shall be four (4) acres.

Special yard requirements.--In multi-family residence districts no part of any building of any motel shall be closer than fifty (50) feet to the property line unless screening requirements set forth in this ordinance for motels are met.

#### Minimum Distance Requirements

Minimum distance from the nearest single family residence district boundary line.--No motel shall be located closer than two hundred (200) feet to any single family residence district boundary line unless screening requirements set forth in this ordinance for motels are met.

#### Screening Requirements

In multi-family residence districts motels constructed within fifty (50) feet of any property line or within two hundred (200) feet of any single family residence district boundary line shall have, maintained in good condition, a solid wall at least six (6) feet in height, compact ever-green screen or uniformly painted board fence at least six (6) feet in height. Said wall, hedge or fence shall

be at least ten (10) feet from the property line and the space between such fence, hedge or wall shall be landscaped with trees, hardy shrubs and evergreen ground cover and maintained in good condition.

#### Access Requirements

Driveways.--Driveway and parking areas shall be paved.

The minimum distance from driveways to the nearest intersection shall be thirty (30) feet. No driveway shall be constructed closer than three (3) feet to the property line or closer than three (3) feet to any fire hydrant or catch basin.

Curb cuts.--No motel shall make a curb cut for any driveway or other purpose of more than thirty (30) feet.

#### Lighting Requirements

In multi-family residence districts lighting used to illuminate motels shall be arranged so as to reflect away from surrounding residence property lines.

#### Parking Requirements

At least one (1) off street parking space shall be provided for each motel unit.

#### Motor Truck Terminals

Zoning Districts in Which Motor Truck Terminals Are Permitted

Industrial districts.--Motor truck terminals shall be permitted in industrial districts.

Motor freight districts.--Motor truck terminals shall be permitted in motor freight districts.

Special Lot Area, Yard Requirements and Setback Requirements

Special lot area requirements.--The minimum building site area for motor truck terminals shall be five (5) acres.

Special yard requirements.--No part of any building of a motor truck terminal shall be closer than one hundred (100) feet to the property line.

Special setback requirements.--All buildings of motor truck terminals storing active burning materials, explosives or materials which produce inflammable or explosive vapors shall not be permitted within two hundred (200) feet of the property line.

Minimum Distance Requirements

Minimum distance from the nearest residence district boundary line.--No motor truck terminal shall be located closer than one thousand (1,000) feet to any residence district.

Minimum distance from places of public assembly.--No motor

truck terminal shall be located closer than two hundred (200) feet to any place of public assembly.

#### Access Requirements

Driveways.--Driveways parking and service areas of motor truck terminals shall be paved. The minimum distance from driveways of motor truck terminals to the nearest intersection shall be sixty (60) feet. No driveway of a motor truck terminal shall be located closer than six (6) feet to the property line or closer than six (6) feet to any fire hydrant or catch basin.

Curb cuts.--No motor truck terminal shall make a curb cut for access drives or for any other purpose of more than forty (40) feet.

Access through specified zoning districts.--No driveways or access drives for motor truck terminals shall be constructed through any part of a residence district.

#### Lighting Requirements

Motor truck terminals shall be so lighted as to prevent glare of such intensity as to be readily perceptible at any point in any residence district.

#### Parking Requirements

At least one (1) off street parking space shall be provided by motor truck terminals for each four (4)

employees plus one (1) off street parking space for each vehicle used in the conduct of operations related to the premises. One (1) off street loading space shall be provided for each two thousand (2,000) square feet of gross floor area on the premises.

#### Other Requirements

Control of noise.--Motor truck terminals shall be so operated as to comply with requirements governing noise described in table 3.

Table 3. Maximum Performance Standards Governing Noise:  
Motor Truck Terminals

Octave Bands in Cycles Per Second	Along the Nearest Residence District Boundary Line Between 8 AM and 6 PM*
0 - 75	72
76 - 150	67
151 - 300	59
301 - 600	52
601 - 1200	46
1201 - 2400	40
2401 - 4800	34
over 4800	32

\*Permissible sound level between 6 PM and 8 AM shall be decreased by three (3) decibels in each of the above octave bands.

## Quarries and Strip Mines

### Zoning Districts in Which Quarries and Strip Mines Are Permitted

"Heavy" industrial districts.--Quarries and strip mines shall be permitted in the heavy industrial district.

"Light" industrial districts.--Quarries and strip mines shall be permitted in the light industrial district provided no rock crushing, cement mixing, grinding, polishing, cutting or other processes for treating extracted products are performed on the premises.

Flood plain district.--Quarries and strip mines shall be permitted in the flood plain district.

### Special Yard and Setback Requirements

Special yard requirements.--In light industrial districts no part of any structure of any quarry or strip mine shall be closer than two hundred (200) feet to any property line unless screening requirements set forth in this ordinance for quarries and strip mines are met.

Special setback of buildings containing explosives.--No building or structure of any quarry or strip mine containing explosives shall be permitted within a distance of three hundred (300) feet to any property line.

### Minimum Distance Requirements

Minimum distance from the nearest residence district boundary line.--No quarry or strip mine shall be located closer than one thousand (1,000) feet to any residence district boundary line except that quarries or strip mines where no rock crushing, cement mixing, grinding, polishing, cutting or other processes for treating quarries products are performed may be performed may be permitted within one thousand (1,000) feet of any residence district boundary provided screening requirements set forth for quarries and strip mines in this ordinance are met.

Minimum distance from the nearest place of public assembly.--No quarry or strip mine where rock crushing, cement mixing, grinding, polishing, cutting or other processes for treating extracted products are performed shall be permitted within one thousand (1,000) feet to any place of public assembly.

### Screening Requirements

Quarries or strip mines located within two hundred (200) feet of any property line or within one thousand (1,000) feet to any residence district boundary line shall have, maintained in good condition, a solid wall at least six (6) feet in height, compact evergreen screen or uniformly

painted board fence at least six (6) feet in height. Said wall, hedge or fence shall be at least fifty (50) feet from the property line and the space between such fence, hedge or wall and the property line shall be landscaped with trees, hardy shrubs and evergreen ground cover and maintained in good condition.

#### Access Requirements

Driveways.--Driveways of quarries and strip mines shall be paved. The minimum distance from driveways of quarries and strip mines to the nearest intersection shall be sixty (60) feet. No driveway of any quarry or strip mine shall be constructed closer than six (6) feet to the property line or closer than six (6) feet to any fire hydrant or catch basin.

Curb cuts.--No quarry or strip mine shall make a curb cut for its access roads or for any other purpose of more than forty (40) feet.

Access through specified zoning districts.--No access drives for quarries or strip mines shall be constructed through any part of a residence district.

#### Lighting Requirements

Quarries and strip mines within three hundred (300) feet of any residence district shall be lighted so as to



reflect light away from the residence district.

#### Parking Requirements

Quarries and strip mines shall provide at least one (1) off street parking space for each four (4) employees plus one (1) off street parking space for each vehicle used in the conduct of operations related to the premises. At least one (1) off street loading space shall be provided for each two thousand (2,000) square feet of gross floor area on the premises.

#### Other Requirements

Control of noise.--Quarries and strip mines shall be so operated as to comply with requirements governing noise contained in table 4.

Table 4. Maximum Performance Standards Governing Noise:  
Quarries and Strip Mines

Octave Bands in Cycles Per Second	Along the Nearest Residence District Boundary Line Between 8 AM and 6 PM*
0 - 75	72
76 - 150	67
151 - 300	59
301 - 600	52
601 - 1200	46
1201 - 2400	40
2401 - 4800	34
over 4800	32

\*Permissible sound level between 6 PM and 8 AM shall be decreased by three (3) decibels in each of the above octave bands.

Control of vibration.--Blasting operations and other operations at quarries and strip mines shall be so operated that ground vibration is not readily perceptible in any residence district.

Control of smoke.--Quarries and strip mines shall be so operated as to prevent the emission of smoke to a density greater than described as number one (1) in the Ringlemann chart as published by the United States Bureau of Mines.

Control of dust.--Quarries and strip mines shall be so

operated as to prevent the emission of dust or other solid matter in sufficient quantities as to cause damage to property or discomfort to persons in any residence district.

Restoration of site.--Areas from which extracted products have been removed shall be recontoured within ninety (90) days after mining or quarrying operations have ceased so as to eliminate unsightly remains and encourage natural vegetation to appear. The site shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The site shall be fertilized, mulched, and reseeded to establish a firm cover of grass or other vegetation sufficient to prevent erosion.

### Rooming Houses

#### Zoning Districts in Which Rooming Houses Are Permitted

Commercial districts.--Rooming houses having more than fifteen (15) lodgers or renting rooms for less than one (1) week duration shall be permitted in commercial districts.

Multi-family residence districts.--Rooming houses shall be permitted in multi-family residence districts provided such rooming houses have fifteen (15) lodgers or less and rent no rooms for less than one (1) week duration.

### Other Residence Districts

Residences in single family residence districts and two family residence districts may rent rooming accommodations to not more than two (2) lodgers without special restrictions. Residences in multi-family residence districts which fail to meet special lot area and yard requirements, minimum distance requirements, screening requirements, access requirements, or parking requirements set forth in this ordinance for rooming houses may rent rooming accommodations to not more than two (2) lodgers.

Definition of "lodger".--LODGER: an occupant of a rooming house who: (1) is unrelated to the owner or manager of the premises, and (2) has no separate cooking facilities.

### Special Lot Area and Yard Requirements

Special lot area requirements.--In multi-family districts rooming houses shall have a minimum lot area of five hundred (500) square feet for each sleeping accommodation.

Special yard requirements.--In multi-family residence districts rooming houses shall have side yards equal to three times the side yard requirements otherwise specified in this ordinance for multi-family residence districts.

### Minimum Distance Requirements

Minimum distance from the nearest residence district boundary line.--No rooming house shall be located closer than fifty (50) feet to any single family residence district boundary line unless screening requirements for rooming houses set forth in this ordinance are met.

#### Screening Requirements

Rooming houses within fifty (50) feet of any single family residence district shall have, maintained in good condition, a solid wall at least six (6) feet in height, compact evergreen screen or uniformly painted board fence at least six (6) feet in height along side and rear property lines. Said wall, hedge or fence shall be at least ten (10) feet from the property line and the space between such wall, hedge or fence and the property line shall be landscaped with trees, hardy shrubs and evergreen ground cover and maintained in good condition.

#### Access Requirements

Driveways.--All driveways and parking areas of rooming houses shall be paved.

#### Parking Requirements

Rooming houses shall provide one (1) off street parking space for each lodger plus one (1) off street parking space for the owner or manager.

## Trailer Courts

### Zoning Districts in Which Trailer Courts Are Permitted

Multi-family residence districts.--Trailer courts shall be permitted in multi-family residence districts provided they are located on an expressway or limited access highway.

Commercial districts.--Trailer courts shall be permitted in commercial districts.

### Limitations on Accessory Uses

A restaurant, swimming pool, grocery store, tennis court, and similar uses may be operated in conjunction with a trailer court in a multi-family residence district provided that all such uses combined occupy no more than five (5) per cent of the total net lot area of the trailer court.

### Special Lot Area and Yard Requirements

Special lot area requirements.--Trailer courts shall have a minimum building site area of ten (10) acres.

Special yard requirements.--In multi-family residence districts no part of any structure of any trailer court or any trailer parked therein shall be closer than fifty (50) feet to any property line unless screening requirements set forth in this ordinance for trailer courts are met.

### Minimum Distance Requirements

Minimum distance from the nearest single family residence district boundary line.--No trailer court shall be located closer than two hundred (200) feet to any single family residence district boundary line unless screening requirements set forth for trailer courts in this ordinance are met.

Minimum distance from the nearest identical or similar use.--In multi-family residence districts no trailer court shall be located closer than two thousand five hundred (2,500) feet to any existing trailer court.

### Screening Requirements

In multi-family residence districts trailer courts with buildings or trailers located within fifty (50) feet of the property line or within two hundred (200) feet of any single family residence district boundary line shall have, maintained in good condition, a solid wall, at least six (6) feet in height compact evergreen screen or uniformly painted board fence at least six (6) feet in height along side and rear property lines. Said wall, hedge or fence shall be at least ten (10) feet from the property line and the space between such fence, hedge or wall and the property line shall be landscaped with trees, hardy shrubs and evergreen ground cover and maintained in good condition.

### Access Requirements

Driveways.--Driveways and parking areas of trailer courts shall be paved. The minimum distance from driveways of trailer courts to the nearest intersection shall be thirty (30) feet. No driveway of any trailer court shall be constructed closer than three (3) feet to the property line or closer than three (3) feet to any fire hydrant or catch basin.

Curb cuts.--No trailer court shall make a curb cut for any driveway or other purpose of more than thirty (30) feet.

### Parking Requirements

One (1) off street parking space shall be provided in trailer courts for each trailer space.

### Other Requirements

All trailers must be located in trailer courts except as otherwise provided in this ordinance.

Individual trailers not in trailer courts may be permitted in agricultural districts provided they are located on a lot of at least one (1) acre and provided further that the occupant agrees that if the area is rezoned "residential" he will remove the trailer within 90 days after such rezoning.

### Waterfront Recreation Developments



Zoning Districts in Which Waterfront Recreation Develop-  
ments Are Permitted

Commercial recreation districts.--The following uses shall  
be permitted in the commercial recreation district.

- Boat landings and wharves
- Commercial amusements
- Exhibitions and games
- Marine service stations
- Marine equipment stores
- Fishing supply stores
- Boat storage and construction yards
- Boat repair facilities
- Wholesale and retail fish markets
- Motels and hotels
- Restaurants
- Public recreation areas
- Bathing beaches and bath houses
- Marine oriented clubs
- Other similar uses

Recreation districts.--The following uses shall be per-  
mitted in the recreation district.

- Public and private parks
- Playgrounds
- Camp grounds
- Golf courses

Hunting and fishing cabins

Public and private camps

Resorts

Private summer cottages

Family dwellings for caretakers for year round residence

Restricted recreation districts.--The following uses shall be permitted in the restricted recreation district.

Private summer homes

Resort hotels

Clubs

Special recreation districts.--The following uses shall be permitted in the special recreation district.

Youth camps having more than one hundred (100) acres

Shoreline districts.--The following uses shall be permitted in the shoreline district.

Trailer courts

Resort districts.--The following uses shall be permitted in the resort district.

Summer homes and cabins which need no front on a street or road

Bathing beaches and bath houses

Boat docks

Retail selling and leasing of fishing equipment and bait

Accessory buildings and uses incident to the above  
uses

Residence-waterfront districts.--The following uses shall  
be permitted in the residence-waterfront district.

Residences

Yacht and boat clubs

Houseboats, subject to the following restrictions:

- a. The minimum lot area shall be two thousand (2,000) square feet of water surface for each permanent mooring.
- b. The minimum distance between the side and ends of adjacent houseboats shall be ten (10) feet.
- c. At least one side of each houseboat shall abut on open water at least forty (40) feet wide and open continuously to navigable waters.
- d. For each houseboat there shall be provided on land at least one (1) off street parking space within a distance of six hundred (600) feet of the permanent mooring.

Amusement-marine district.--The following uses shall be  
permitted in the amusement-marine district.

Commercial amusements

Exhibitions and games

Boat landings and wharves

Boxing arenas

Fishing stores

Marine service stations

Motordromes

Bathhouses

Other similar uses

#### Special Yard Requirements

Activities permitted in the commercial recreation district and not permitted in the recreation district, the resort district, or the residence-waterfront district may be permitted in these districts provided the following special yard requirements are met.

1. The activity must own or control one thousand (1,000) feet of continuous shore line.
2. If the activity is on a tributary or in a cove, land on both sides of the cove or tributary must be included in the site unless the cove or tributary is more than five hundred (500) feet across at all points within five hundred (500) feet on either side of the activity.
3. The activity must have yards of at least three hundred (300) feet. Such side yards shall be measured from any permanent land structure or permanent floating structure to the nearest property line or extension thereof.
4. At least one (1) off street parking space shall be provided for every two hundred (200) square feet of gross floor area on the premises.

## CHAPTER V

## FUTURE RESEARCH NEEDS

Although an extensive basis exists for the zoning control of problem uses, we do not yet have a complete foundation for a comprehensive system of controls. Many possibilities exist for extensions of present controls. For example, a proven method of insulating many types of problem uses from other properties is by construction of a screen or fence along abutting property lines. Yet, of the 17 problem uses cited, only 7 had any zoning provisions applicable to them requiring any sort of a screen or fence under any conditions, although some form of screening would be beneficial to nearly all problem uses under the proper circumstances. How effective is screening in reducing the adverse effects of various problem uses on adjoining properties? We know, for example, that most people object to living next door to a truck terminal, but how would they feel about it if the terminal could not be seen or heard? If so, how do we go about designing screens so that this is possible? The same line of inquiry could be followed with buffer strips involving trees and evergreen ground cover. Actually, we have barely "scratched the surface" in the effective utilization of evergreen shrubs toward minimizing the adverse effects of problem uses. The field is fertile for ingenious creations in this direction.

Closely allied to the above problem is that of determining objective criteria for computing land needs of various problem uses. How much land is actually needed as a minimum for a gasoline filling station? A parking garage? A drive-in theater? A motel? A hospital, or any other problem use? The right answers to these questions could be of immense value to both the city and private developers because minimum site area provisions which require excessive lot sizes create land waste and may not only restrict the economic development of the city but place undue barriers on the growth of the city's tax base. On the other hand, site area provisions which do not require adequate lot sizes encourage marginal development and offer no real protection to the community.

A third fertile field for research is the control of traffic generated by various problem uses. How can we design better entrances, exits, driveways, parking and loading areas, and other traffic movement control features to reduce the adverse effects of problem uses? Here we are admittedly getting away from the province of planning and are becoming rather extensively involved with detailed traffic engineering. However, the traffic problem is often the chief problem in controlling many problem uses, and more traffic engineering research is urgently needed which is aimed specifically at problem uses.

A fourth critical research area is in the field

of performance standards--which have posed difficult problems of long standing for planners and engineers alike. How can effective performance standards be devised for controlling noise, smoke, odors, glare, vibration, dust and other undesirable emissions as well as fire and safety hazards and health hazards? How can these performance standards then be translated into effective controls applicable to specific problem uses? The research necessary to establish performance controls is a problem chiefly for scientists, but integration of this research into effective plans and zoning requirements for the comprehensive development of the city is a problem for city planners.

## APPENDIX



## ZONING ORDINANCES REVIEWED

ORDINANCE	DATE
Albuquerque, New Mexico	1953
Alcoa, Tennessee	1952
Anchorage, Alaska	1952
Altoona, Pennsylvania	1949
Arcadia, California	1949
Ardmore, Oklahoma	1946
Atlanta, Georgia	1954
Aurora, New York	1950
Azusa, California	1949
Baltimore, Maryland	1931
Eend, Oregon	1951
Bismarck, North Dakota	1953
Bluefield, West Virginia	1938
Boston, Massachusetts	1948
Bristol, Tennessee	1957
Buffalo, New York	1953
Champaign, Illinois	1950
Chelan County, Washington	1948
Cheltenham Township, Pennsylvania	1950
Chicago, Illinois	1957
Chicago Heights, Illinois	1950
Cincinnati, Ohio	1949
Cleveland, Ohio	1947
Cleveland Heights, Ohio	1950
Collingswood, New Jersey	1949
Colorado City, Texas	1951
Colorado Springs, Colorado	1954
Grete, Illinois	1941
Dade County, Florida	1950
Darien, Connecticut	1957
Dearborn, Michigan	1953
DeKalb County, Georgia	1959
Denver, Colorado	1955
Des Moines, Iowa	1953
Detroit, Michigan	1949
DuPage County, Illinois	1957
Durham, North Carolina	1951
Easton, Pennsylvania	1952
Elkhart, Indiana	1957
Elmira, New York	1947
Elmonte, California	1957
Erie, Pennsylvania	1950
Evansville, Indiana	1951

ORDINANCE	DATE
Farmington, Connecticut	1950
Ferguson, Missouri	1952
Fontana, California	1957
Freeport, New York	1956
Fullerton, California	1957
Gainesville, Georgia	1956
Grand Prairie, Texas	1950
Greensboro, North Carolina	1954
Hamilton, Ohio	1949
Huntington Beach, California	1946
Kansas City, Missouri	1954
Lexington and Fayette County, Kentucky	1952
Los Angeles, California	1952
Madison, Connecticut	1949
Marblehead, Massachusetts	1950
Marietta, Georgia	1951
Maryland-Washington Regional District, Maryland	1949
Miami, Florida	1954
Miami Beach, Florida	1951
Midland, Michigan	1948
Milwaukee, Wisconsin	1950
Modesto, California	1957
Montgomery County, Ohio	1952
Muskegon, Michigan	1952
Newark, New Jersey	1945
New York, New York	1944
Norfolk, Virginia	1950
North Hempstead, New York	1945
Old Tappan, New Jersey	1947
Omaha, Nebraska	1952
Pamona, California	1957
Park Forest, Illinois	1951
Philadelphia, Pennsylvania	1947
Pittsfield, Massachusetts	1953
Prince George's County, Maryland	1949
Providence, Rhode Island	1955
Royal Oak, Michigan	1951
Salt Lake City, Utah	1954
Salt Lake County, Utah	1954
Seattle, Washington	1957
San Francisco, California	1950
South Pasadena, California	1951
St. Clair Shores, Michigan	1951
St. Paul, Minnesota	1955

ORDINANCE	DATE
Tacoma, Washington	1950
Tucson, Arizona	1956
Vilas County, Wisconsin	1948
Washington, D. C.	1950
Warren Charter Township, Michigan	1952
Wauwatosa, Wisconsin	1951
Wayne, Michigan	1952
Westchester County, New York	1950
Winnipeg, Canada	1950
Winston Salem, North Carolina	1948

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